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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Monsignor Stephen J. Rossetti, Catholic University of America, Washington, DC, offered the following prayer:

Good and gracious God, as we enter upon this joyous season, we are aware of so much hurt and pain, conflict and violence around the world and even in our own land.

We know that as long as we live in this world, such signs of our fallen humanity will always be with us. We do not pray that it will all magically disappear. However, in this season of grace, we pray that You might be with us in an especially poignant way. May each of us come to know You more deeply, You who are our peace.

May each of us feel and treasure our common human bond with all our sisters and brothers. May we truly know peace on this Earth, and may we offer good will to all.

We make this prayer in Your holy name.

Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REFLECTING ON THE 111TH CONGRESS

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Madam Speaker, I wanted to take a moment to reflect on this 111th Congress and to say how proud I am to have been a part of it. Some may look at the recent election and say we were off track. But while those showing up to vote may have changed from 2008 to 2010, I and so many of my colleagues stayed true to the people who elected us to change the direction of this country, and we did just that.

From health care to financial reform, the Fair Pay Act to the repeal of Don't Ask, Don't Tell, I do not apologize for our accomplishments. I embrace them.

On a personal note, I have worked on Capitol Hill nearly 12 years, starting as a junior staffer for a Senator and eventually becoming an elected Member of this House. Despite the cynicism about Congress, I have been privileged to work alongside staff and Members dedicated to the public good and furthering this great Republic, often at great personal expense. I thank them, and I will forever be grateful that a shy public school student of modest means from Syracuse, New York, could come here as a Member of this great Congress in this great country.

CONGRATULATING PEPPER PENNINGTON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, today I would like to extend my sincere appreciation to a dedicated staffer in the office of the Second Congressional District of South Carolina. Pepper Pennington will be leaving the office to become chief of staff for Congressman-elect Daniel Webster of Florida's Eighth Congressional District.

Pepper has done a wonderful job serving the people of South Carolina's Second District since November 2009. As communications director, she has been the main contact between the office and members of the media. Pepper has been dedicated, hardworking, and is a valuable asset to the people of South Carolina. Pepper began her career on Capitol Hill in the Office of Congressman Tom Feeney of Florida and served as communications director for Congressman PAUL Broun of Georgia.

Pepper is the daughter of Cass and Cindy Pennington. She is a graduate of the University of Florida, and she is a diehard Gator fan. Pepper is engaged to marry Dave Natonski. She is a credit to the people of South Carolina and Florida. I wish her Godspeed. While I am sad to see her leave, I am even more proud to see her achieve such success. She will be truly missed in the office, and I wish her all the success in her new position.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

CONGRATULATING THE UCONN WOMEN'S BASKETBALL TEAM

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, on April 6, 2008, something happened that has not happened since—the UConn women's basketball team lost a game. That was almost 1,000 days ago; and since that day, the UConn Women Huskies have been on a streak that may not end for a long time.

UConn's victory this past Sunday was their 88th consecutive win, tying the Division I record set by the UCLA men's team in 1974. Since the streak began, UConn has racked up two national titles for a total of seven. Since the streak began, UConn Coach Geno Auriemma was chosen to lead the 2012 Olympic team. Since the streak began, UConn has had five first team all-Americans and back-to-back Player of the Year winners, Maya Moore and Tina Charles. Maya carries now a 4.0 average and is also the Big East Scholar Athlete of the Year. Since the streak began, UConn has maintained its 100 percent graduation rate for players, demonstrating that athletic achievement and academic excellence are not mutually exclusive.

Tonight the Huskies will play Florida State for a chance to surpass UCLA's record. Good luck to them and congratulations for their amazing success and sterling example for student athletes, both men and women.

THE PARTY'S OVER

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Madam Speaker, on November 2, the American people spoke loudly and clearly: stop the spending. Instead of graciously bowing to the public will, the left has embarked upon a frantic lame duck spending spree with a majority that has already been turned out of office by the voters.

First, they exacted another $136 billion in spending as the price to prevent a devastating tax increase on New Year's Day. They tried—unsuccessfully—to cram through a $1.1 trillion omnibus spending bill packed with more than 6,000 earmarks. They are now pressing to continue spending at a rate that exceeds even that of 2010.

Now you could say they're partying like irresponsible teenagers; but even irresponsible teenagers have enough sense to stop trashing the house after the parents have phoned to say they're on their way home. Madam Speaker, the parents are going to be here in 15 days, and I have news for you: The party's over. Go home.

POST–9/11 GI BILL BENEFITS FOR NATIONAL GUARDSMEN

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, I rise to congratulate National Guardsmen all across America on the passage of the Post-9/11 Veterans Educational Assistance Improvements Act, which the President will sign into law later this week. Legislation that I introduced in the House last year to allow National Guardsmen to use their title 32 service—which includes homeland security troop support and disaster relief—to qualify for post-9/11 GI Bill benefits is included in the bill we sent to the President last week. Under this bill, 130,000 National Guardsmen who have helped to protect our citizens here at home will now be able to qualify for the GI Bill's many education benefits.

The heroes in America's National Guard, including the 20,000 soldiers and airmen in the Pennsylvania National Guard, provide invaluable service to our country during times of crisis; and thanks to this bill, they too will benefit from the landmark legislation signed into law in 2008.

I stand today to thank America's National Guard for their service and let them know our work is not done in honoring their commitment to our safety and security.

□ 1010

IT'S TIME TO CUT FEDERAL SPENDING

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, the American people sent a crystal clear message to Washington in November that they are tired of this town's job-killing spending spree. But it appears that our colleagues in the current majority didn't get the message.

As a result, the government funding bill we're going to debate this week continues the record-setting rate of spending passed by the Democrat majority last year. This includes the higher spending for programs that have been bolstered by unnecessary and ineffective stimulus dollars.

Republicans have pledged real spending cuts to get our Nation back to a responsible budget and help create jobs. In fact, we've proposed to cut spending to pre-bailout and pre-stimulus 2008 levels, which would save taxpayers $100 billion a year.

Madam Speaker, let's listen to the American people and get Federal spending under control.

HONORING JAMES DAVIS FOR HIS GENEROUS CONTRIBUTIONS TO THE COMMUNITY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I rise today in gratitude of the lifetime of generous contributions to Arkansas and its citizens by Jim Davis.

Service was an integral part of Jim's life, serving in the U.S. Army in the Western Pacific and Korea. He continued his passion for his community throughout his life as a gracious contributor who served on several boards and commissions and actively volunteered and devoted his time to create a better life for all in Arkansas.

Jim served as the chairman of the Leadership Council and the Arkansas Chapter of the National Federation of Independent Business. Former Governor Mike Huckabee appointed him to the Arkansas State Health Board, the Beverage Control Board, and the Arkansas State Police Commission. He was currently serving as a member of the Arkansas Commission for Veterans Affairs, and he was a proud Shriner and Mason.

After a long, fulfilling life, Jim passed away on December 18, and he will certainly be missed. However, his legacy will live for generations to come because of his generosity.

I ask my colleagues to keep Jim's family and friends in their thoughts and prayers during these difficult times.

THE VOTERS ALWAYS HAVE THE FINAL SAY

(Mr. DJOU asked and was given permission to address the House for 1 minute.)

Mr. DJOU. Madam Speaker, I rise to address this House for what will likely be my last formal address from this floor.

While my term has been short, it has been an honor and privilege representing the people of Hawaii. It is testimony to the greatness of our Nation that a child of immigrants from China and Thailand can call himself a maker of laws in the United States.

I want to first thank the voters of Hawaii for giving me this opportunity to serve them, but I also want to thank all the volunteers who worked so hard to get me here. But most of all, I want to thank my family for giving me everything that I have.

I believe that a limited government is better at establishing prosperity than an expansive government. I believe that a vibrant two-party democracy is better at preserving liberty than one-party monolithic rule. And I believe that open and responsive public officials are better at ensuring an accountable government than an old boy network.

But I also believe one of the beauties of our Nation is that the voters always have the final say. And while I may be disappointed in my results, I recognize that my views are in the minority in my congressional district. Yielding to the final word of the voters is something that I always will respect.

May God bless this House and may God bless the United States of America.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 81. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 1746. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

H.R. 4748. An act to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. BALDWIN) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2010 at 8:40 p.m.:

That the Senate passed H.J. Res. 105.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2010 at 3:54 p.m.:

That the Senate concur in House amendment to Senate amendment H.R. 2965.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2010 at 9:49 a.m.:

That the Senate S. 118.

That the Senate passed with amendments H.R. 4915.

That the Senate passed without amendment H.R. 6510.

That the Senate passed without amendment H.R. 6473.

That the Senate passed without amendment H.R. 6533.

That the Senate passed without amendment H. Con. Res. 335.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2010 at 3 p.m.:

That the Senate passed with amendments H.R. 2751.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following joint resolution was signed by the Speaker on Friday, December 17, 2010:

H.J. Res. 105, making further continuing appropriations for fiscal year 2011, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SHARK CONSERVATION ACT OF 2010

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 81) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—SHARK CONSERVATION ACT OF 2010

SEC. 101. SHORT TITLE.

This title may be cited as the ''Shark Conservation Act of 2010''.

SEC. 102. AMENDMENT OF HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

(a) ACTIONS TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(F) to adopt shark conservation measures, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea;'';

(2) in paragraph (2), by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) seeking to enter into international agreements that require measures for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that are comparable to those of the United States, taking into account different conditions; and''.

(b) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—Subparagraph (A) of section 609(e)(3) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)(3)) is amended—

(1) by striking the ''and'' before ''bycatch reduction requirements''; and

(2) by striking the semicolon at the end and inserting '', and shark conservation measures;''.

(c) EQUIVALENT CONSERVATION MEASURES.—

(1) IDENTIFICATION.—Subsection (a) of section 610 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended—

(A) in the matter preceding paragraph (1), by striking ''607, a nation if—'' and inserting ''607—'';

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(ii) by moving clauses (i) and (ii) (as so redesignated) 2 ems to the right;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(E) by inserting before subparagraph (A) (as so redesignated) the following:

''(1) a nation if—'';

(F) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(2) a nation if—

''(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices in waters beyond any national jurisdiction that target or incidentally catch sharks; and

''(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.''.

(2) INITIAL IDENTIFICATIONS.—The Secretary of Commerce shall begin making identifications under paragraph (2) of section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)), as added by paragraph (1)(G), not later than 1 year after the date of the enactment of this Act.

SEC. 103. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

(a) IN GENERAL.—Paragraph (1) of section 307 of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by amending subparagraph (P) to read as follows:

''(P)(i) to remove any of the fins of a shark (including the tail) at sea;

''(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

''(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

''(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;''; and

(2) by striking the matter following subparagraph (R) and inserting the following:

''For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) or that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P). In such subparagraph, the term 'naturally attached', with respect to a shark fin, means attached to the corresponding shark carcass through some portion of uncut skin.''.

(b) SAVINGS CLAUSE.—

''(1) IN GENERAL.—The amendments made by subsection (a) do not apply to an individual engaged in commercial fishing for smooth dogfish (Mustelus canis) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.

(2) DEFINITIONS.—In this subsection:

(A) COMMERCIAL FISHING.—The term ''commercial fishing'' has the meaning given that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(B) STATE.—The term ''State'' has the meaning given that term in section 803 of Public Law 103–206 (16 U.S.C. 5102).

SEC. 104. OFFSET OF IMPLEMENTATION COST.

Section 308(a) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(a)) is amended by striking ''2012.'' and inserting ''2010, and $2,500,000 for each of fiscal years 2011 and 2012.''.

TITLE II—INTERNATIONAL FISHERIES AGREEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''International Fisheries Agreement Clarification Act''.

SEC. 202. INTERNATIONAL FISHERY AGREEMENT.

Consistent with the intent of provisions of the Magnuson-Stevens Fishery and Conservation and Management Act relating to international agreements, the Secretary of Commerce and the New England Fishery Management Council may, for the purpose of rebuilding those portions of fish stocks covered by the United States-Canada Transboundary Resource Sharing Understanding on the date of enactment of this Act—

(1) take into account the Understanding and decisions made under that Understanding in the application of section 304(e)(4)(A)(i) of the Act (16 U.S.C. 1854(e)(4)(A)(i));

(2) consider decisions made under that Understanding as ''management measures under an international agreement'' that ''dictate otherwise'' for purposes of section 304(e)(4)(A)(ii) of the Act (16 U.S.C. 1854(e)(4)(A)(ii); and

(3) establish catch levels for those portions of fish stocks within their respective geographic areas covered by the Understanding on the date of enactment of this Act that exceed the catch levels otherwise required under the Northeast Multispecies Fishery Management Plan if—

(A) overfishing is ended immediately;

(B) the fishing mortality level ensures rebuilding within a time period for rebuilding specified taking into account the Understanding pursuant to paragraphs (1) and (2) of this subsection; and

(C) such catch levels are consistent with that Understanding.

SEC. 203. APPLICATION WITH OTHER LAWS.

Nothing in this title shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary of Commerce under that Act concerning other species.

SEC. 204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), section 202 shall apply with respect to fishing years beginning after April 30, 2010.

(b) SPECIAL RULE.—Section 202(3)(B) shall only apply with respect to fishing years beginning after April 30, 2012.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTIONS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.

Section 503 of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6902) is amended—

(1) by striking ''Management Council and'' in subsection (a) and inserting ''Management Council, and one of whom shall be the chairman or a member of'';

(2) by striking subsection (c)(1) and inserting the following:

''(1) EMPLOYMENT STATUS.—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''; and

(3) by striking subsection (d)(2)(B)(ii) and inserting the following:

''(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 302. PACIFIC WHITING ACT OF 2006.

(a) SCIENTIFIC EXPERTS.—Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is amended by striking ''at least 6 but not more than 12'' inserting ''no more than 2''.

(b) EMPLOYMENT STATUS.—Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended to read as follows:

''(a) EMPLOYMENT STATUS.—Individuals appointed under section 603, 604, 605, or 606 of this title, other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.''.

SEC. 303. REPLACEMENT VESSEL.

Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 188 Stat. 886–891).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

□ 1020

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H.R. 81, the Shark Conservation Act of 2009. This bill, which I first introduced more than 3 years ago, reconfirms the original intent of Congress to prevent shark finning by prohibiting the removal of fins at sea, and the possession, transference, or landing of fins which are not naturally attached to the corresponding carcass. This critical conservation measure and enforcement mechanism will help to end the wasteful and abusive practice of shark finning and make us a world leader in shark conservation.

Yesterday, the Senate amended my bill to clarify that certain fish stocks in New England are considered to be managed under an international agreement for purposes of the Magnuson-Stevens Fishery Conservation and Management Act. The bill was also amended to make technical corrections to two international fishery implementation acts to allow proper participation by stakeholders on the respective advisory bodies. Amendments were also made to clarify that the Secretary of Commerce can issue regulations to allow for the replacement of corroding vessels in the non-pollock groundfish fishery.

In addition, the Senate inserted language to exempt one particular fishery from the new requirement to land sharks with their fins naturally attached. While I am not supportive of this particular exemption, I do think it is important to note that this fishery represents less than 1 percent of all the shark fishing in the United States, and that the restrictions on shark finning currently in the law will still apply to them.

Putting an end to shark finning is imperative to the conservation of these important and iconic species. With that, I ask Members on both sides to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, this legislation takes H.R. 81, the Shark Conservation Act of 2010, which passed this House in March of last year, and adds several other fisheries provisions, all of which I support. My colleague has adequately explained and described what is in this small fisheries package, and I do not object to this legislation. Action by this House will clear these measures for the President. I urge adoption.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in support of H.R. 81, the Shark Conservation Act of 2009. First, I want to commend the chief sponsor, the Chairwoman of the Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife, and my good friend, Ms. MADELEINE BORDALLO of Guam, for her leadership on this important issue. I also want to commend Chairman NICK RAHALL and members of the Committee on Natural Resources for their strong support of this bipartisan legislation.

This piece of legislation underscores the need for the U.S. to maintain its leadership role in conserving sharks and the marine ecosystems of which they are an important part. The increasing amount of shark finning has taken an adverse impact on our efforts and warrants continued efforts from Congress to reverse these unwanted trends. Economic profits have fueled high demands for shark fins and have led to the exploitation of our marine ecosystem. Exploiters remove only shark fins and dump carcasses at sea. It is Congress' responsibility to maintain prohibition of shark finning in order to preserve the conservation of sharks and their corresponding ecosystems.

Congress enacted the Shark Finning Prohibition of 2000, to prohibit fishermen from removing the fins of sharks and discarding the carcasses at sea, and prevent the transportation of shark fins without the corresponding carcasses. Effective enforcement of these prohibitions are found wanting.

In 2008, the 9th Circuit US Court of Appeals held that the shark finning prohibitions and related implementing regulations promulgated by the National Marine Fisheries Service (NMFS) do not apply to certain vessels even though they are performing fishing-related activities. According to the court ruling, the statutory definition of "fishing vessel" did not offer fair notice to the fishermen engaging in the at-sea purchase and transfer of shark fins that would render the fishermen subject to the shark finning laws. In effect, the court ruled that the application of the prohibition laws under the Shark Finning Prohibition of 2008 Act violates due process.

The bill before us today, H.R. 81, remedies the problem presented by the 2008 court ruling. The proposed language clarifies that all vessels, not just fishing vessels, are prohibited from having custody, control, or possession of shark fins without the corresponding carcass, thereby eliminating the unexpected loophole related to the transport of shark fins. n addition, the proposed bill would strengthen the capacity of our Federal Government to better monitor and enforce existing laws.

Madam Speaker, it is necessary that we pass this legislation immediately given the devastation confronting our national marine ecosystems. Sharks play an integral role in our ecosystem and it is our responsibility to ensure that they are protected. The future of our ecosystem is in our hands and we need to do all that we can for the sake of our natural resources and for our future generations.

I urge my colleagues to pass H.R. 81.

Mrs. CAPPS. Madam Speaker, I rise today to express my support for H.R. 81, the Shark Conservation Act.

I want to thank Congresswoman BORDALLO for introducing this legislation of which I am a cosponsor.

Shark populations in our world's oceans are dying.

We need to act, and we need to act now.

Sharks are at the top of the global marine food chain. Sharks have roamed our oceans since before the time of dinosaurs, but now their populations are being threatened by overfishing around the globe.

Shark-finning takes a tremendous toll on shark populations.

An estimated 73 million sharks are killed every year to support the global shark fin trade.

We must act decisively today to help protect these magnificent creatures.

The Shark Conservation Act would end the practice of shark finning in U.S. waters.

However, domestic protections alone will not save sharks.

We need further safeguards to keep marine ecosystems and top predator populations healthy. The Shark Conservation Act will bolster the U.S.'s position when negotiating for increased international fishery protections.

Healthy shark populations in our waters can help drive our economy and make our seas thrive.

This bill is not just about preserving a species, but about preserving an ecosystem, an economy, and a sustainable future.

I urge all of my colleagues to vote in support of H.R. 81.

Mr. FARR. Madam Speaker, I rise today in support of the Senate Amendment to H.R. 81, The Shark Conservation Act of 2010. I am pleased that the Senate has taken up and passed this bill with so little time left in the 111th Congress, and I urge my colleagues to follow suit and vote ''yes'' to the Senate Amendment to H.R. 81 so that we can send this important piece of legislation to the President's desk.

This bill seeks to adopt important and necessary conservation measures for sharks. Specifically, and perhaps most importantly, the bill amends the High Seas Driftnet Fishing Moratorium Protection Act to prohibit shark-finning. Shark-finning is the removal of any fins of a shark (including the tail), and discarding the carcass of the shark at sea. The practice has egregious effects on shark populations worldwide and the fins remain in high demand for use in ''shark fin soup''—an Asian delicacy. It is estimated that 73 million sharks are killed each year as a result of shark-finning. In short, this practice takes a tremendous toll on shark populations.

In addition, many shark species are threatened or endangered, making the conservation measures set forth by this bill timely and necessary. Sharks are one of the top predators in our oceans, and a loss in their population would lead to permanent and detrimental effects on the entire marine environment. The loss of top predators in the marine environment upsets the balance of our oceans, causing severe and sometimes irreversible consequences.

We take so much from our ocean, and yet give nothing back. Protecting and conserving its depleting resources should be a top priority because before long there will be nothing left to take.

For these reasons I urge my colleagues to vote ''yes'' on the Senate Amendment to H.R. 81.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, in closing, I urge all Members to support this bill.

In our last business before the House for the Natural Resources Committee this year, I would like to thank the gentleman from Washington for his cooperation in this bill, and for all of the opportunities that we have had to work together in this Congress. Moreover, I wish him good luck as the new chairman of the committee next year, and look forward to working with him in the next capacity.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 81.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DIESEL EMISSIONS REDUCTION ACT OF 2010

Mr. WAXMAN. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5809) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diesel Emissions Reduction Act of 2010''.

SEC. 2. DIESEL EMISSIONS REDUCTION PROGRAM.

(a) DEFINITIONS.—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any private individual or entity that—

''(i) is the owner of record of a diesel vehicle or fleet operated pursuant to a contract, license, or lease with a Federal department or agency or an entity described in subparagraph (A); and

''(ii) meets such timely and appropriate requirements as the Administrator may establish for vehicle use and for notice to and approval by the Federal department or agency or entity described in subparagraph (A) with respect to which the owner has entered into a contract, license, or lease as described in clause (i).'';

(2) in paragraph (4), by inserting ''currently, or has not been previously,'' after ''that is not'';

(3) by striking paragraph (9);

(4) by redesignating paragraph (8) as paragraph (9);

(5) in paragraph (9) (as so redesignated), in the matter preceding subparagraph (A), by striking '', advanced truckstop electrification system,''; and

(6) by inserting after paragraph (7) the following:

''(8) STATE.—The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.—Section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) is amended—

(1) in the section heading, by inserting '', REBATE,'' after ''GRANT'';

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities'' and inserting ''to provide grants, rebates, or low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities, including through contracts entered into under subsection (e) of this section,''; and

(B) in paragraph (1), by striking ''tons of'';

(3) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking ''90'' and inserting ''95'';

(ii) in subparagraph (B)(i), by striking ''10 percent'' and inserting ''5 percent''; and

(iii) in subparagraph (B)(ii), by striking ''the application under subsection (c)'' and inserting ''a verification application'';

(4) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) EXPEDITED PROCESS.—

''(A) IN GENERAL.—The Administrator shall develop a simplified application process for all applicants under this section to expedite the provision of funds.

''(B) REQUIREMENTS.—In developing the expedited process under subparagraph (A), the Administrator—

''(i) shall take into consideration the special circumstances affecting small fleet owners; and

''(ii) to avoid duplicative procedures, may require applicants to include in an application under this section the results of a competitive bidding process for equipment and installation.

''(2) ELIGIBILITY.—

''(A) GRANTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

''(B) REBATES AND LOW-COST LOANS.—To be eligible to receive a rebate or a low-cost loan under this section, an eligible entity shall submit an application in accordance with such guidance as the Administrator may establish—

''(i) to the Administrator; or

''(ii) to an entity that has entered into a contract under subsection (e).'';

(C) in paragraph (3)(G) (as redesignated by subparagraph (A)), by inserting ''in the case of an application relating to nonroad engines or vehicles,'' before ''a description of the diesel''; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) in the matter preceding subparagraph (A)—

(I) by inserting '', rebate,'' after ''grant''; and

(II) by inserting ''highest'' after ''shall give'';

(ii) in subparagraph (C)(iii)—

(I) by striking ''a diesel fleets'' and inserting ''diesel fleets''; and

(II) by inserting ''construction sites, schools,'' after ''terminals,'';

(iii) in subparagraph (E), by adding ''and'' at the end;

(iv) in subparagraph (F), by striking ''; and'' and inserting a period; and

(v) by striking subparagraph (G);

(5) in subsection (d)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', rebate,'' after ''grant''; and

(B) in paragraph (2)(A)—

(i) by striking ''grant or loan provided'' and inserting ''grant, rebate, or loan provided, or contract entered into,''; and

(ii) by striking ''Federal, State or local law'' and inserting ''any Federal law, except that this subparagraph shall not apply to a mandate in a State implementation plan approved by the Administrator under the Clean Air Act''; and

(6) by adding at the end the following:

''(e) CONTRACT PROGRAMS.—

''(1) AUTHORITY.—In addition to the use of contracting authority otherwise available to the

Administrator, the Administrator may enter into contracts with eligible contractors described in paragraph (2) for the administration of programs for providing rebates or loans, subject to the requirements of this subtitle.

''(2) ELIGIBLE CONTRACTORS.—The Administrator may enter into a contract under this subsection with a for-profit or nonprofit entity that has the capacity—

''(A) to sell diesel vehicles or equipment to, or to arrange financing for, individuals or entities that own a diesel vehicle or fleet; or

''(B) to upgrade diesel vehicles or equipment with verified or Environmental Protection Agency-certified engines or technologies, or to arrange financing for such upgrades.

''(f) PUBLIC NOTIFICATION.—Not later than 60 days after the date of the award of a grant, rebate, or loan, the Administrator shall publish on the website of the Environmental Protection Agency—

''(1) for rebates and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates or loans provided, as well as a breakdown of the technologies funded through the rebates or loans; and

''(2) for other rebates and loans, and for grants, a description of each application for which the grant, rebate, or loan is provided.''.

(c) STATE GRANT, REBATE, AND LOAN PROGRAMS.—Section 793 of the Energy Policy Act of 2005 (42 U.S.C. 16133) is amended—

*(1) in the section heading, by inserting ''**, REBATE,**'' after ''**GRANT**'';*

(2) in subsection (a), by inserting '', rebate,'' after ''grant'';

(3) in subsection (b)(1), by inserting '', rebate,'' after ''grant'';

(4) by amending subsection (c)(2) to read as follows:

''(2) ALLOCATION.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), using not more than 20 percent of the funds made available to carry out this subtitle for a fiscal year, the Administrator shall provide to each State qualified for an allocation for the fiscal year an allocation equal to 1/53 of the funds made available for that fiscal year for distribution to States under this paragraph.

''(B) CERTAIN TERRITORIES.—

''(i) IN GENERAL.—Except as provided in clause (ii), Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands shall collectively receive an allocation equal to 1/53 of the funds made available for that fiscal year for distribution to States under this subsection, divided equally among those 4 States.

''(ii) EXCEPTION.—If any State described in clause (i) does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under clause (i) shall be reallocated pursuant to subparagraph (C).

''(C) REALLOCATION.—If any State does not qualify for an allocation under this paragraph, the share of funds otherwise allocated for that State under this paragraph shall be reallocated to each remaining qualified State in an amount equal to the product obtained by multiplying—

''(i) the proportion that the population of the State bears to the population of all States described in paragraph (1); by

''(ii) the amount otherwise allocatable to the nonqualifying State under this paragraph.'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting '', rebate,'' after ''grant'';

(B) in paragraph (2), by inserting '', rebates,'' after ''grants'';

(C) in paragraph (3), in the matter preceding subparagraph (A), by striking ''grant or loan provided under this section may be used'' and inserting ''grant, rebate, or loan provided under this section shall be used''; and

(D) by adding at the end the following:

''(4) PRIORITY.—In providing grants, rebates, and loans under this section, a State shall use the priorities in section 792(c)(4).

''(5) PUBLIC NOTIFICATION.—Not later than 60 days after the date of the award of a grant, rebate, or loan by a State, the State shall publish on the Web site of the State—

''(A) for rebates, grants, and loans provided to the owner of a diesel vehicle or fleet, the total number and dollar amount of rebates, grants, or loans provided, as well as a breakdown of the technologies funded through the rebates, grants, or loans; and

''(B) for other rebates, grants, and loans, a description of each application for which the grant, rebate, or loan is provided.''.

(d) EVALUATION AND REPORT.—Section 794(b) of the Energy Policy Act of 2005 (42 U.S.C. 16134(b)) is amended—

(1) in each of paragraphs (2) through (5) by inserting '', rebate,'' after ''grant'' each place it appears;

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(7) in the last report sent to Congress before January 1, 2016, an analysis of the need to continue the program, including an assessment of the size of the vehicle and engine fleet that could provide benefits from being retrofit under this program and a description of the number and types of applications that were not granted in the preceding year.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 797 of the Energy Policy Act of 2005 (42 U.S.C. 16137) is amended to read as follows:

''SEC. 797. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $100,000,000 for each of fiscal years 2012 through 2016, to remain available until expended.

''(b) MANAGEMENT AND OVERSIGHT.—The Administrator may use not more than 1 percent of the amounts made available under subsection (a) for each fiscal year for management and oversight purposes.''.

SEC. 3. AUDIT.

(a) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Comptroller General of the United States shall carry out an audit to identify—

(1) all Federal mobile source clean air grant, rebate, or low cost revolving loan programs under the authority of the Administrator of the Environmental Protection Agency, the Secretary of Transportation, or other relevant Federal agency heads that are designed to address diesel emissions from, or reduce diesel fuel usage by, diesel engines and vehicles; and

(2) whether, and to what extent, duplication or overlap among, or gaps between, these Federal mobile source clean air programs exists.

(b) REPORT.—The Comptroller General of the United States shall—

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a copy of the audit under subsection (a); and

(2) make a copy of the audit under subsection (a) available on a publicly accessible Internet site.

(c) OFFSET.—All unobligated amounts provided to carry out the pilot program under title I of division G of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 814) under the heading ''MISCELLANEOUS ITEMS'' are rescinded.

SEC. 4. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the amendments made by section 2 shall take effect on October 1, 2011.

(b) EXCEPTION.—The amendments made by subsections (a)(4) and (6) and (c)(4) of section 2 shall take effect on the date of enactment of this Act.

Amend the title so as to read: ''An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. WAXMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

I urge my colleagues to vote in favor of H.R. 5809, an act to reauthorize the Diesel Emissions Reduction Act, or DERA. Since its enactment in 2005, DERA has provided significant public health benefits, improved our national energy security, and helped create jobs. Today's bill will authorize the continuation of this successful program for 2012 through 2016. It also slightly modifies the program to improve its effectiveness and administration.

Diesel engines are the workhorses of the economy. They are used to take students to school, to build roads and buildings, and to transport goods over roads, rails, and waterways. Diesel engines have long had a reputation for being dirty, but that reputation is changing. New diesel engines and vehicles must meet tough standards set by the Environmental Protection Agency. However, there are millions of older diesel engines now in use that have very high emissions, causing a number of public health and environmental problems, including premature death. These engines have long useful lives, up to 25 years, so absent incentives to clean them up, we will be suffering from their pollution for a long time.

DERA is designed to use voluntary partnership approaches to reduce pollution from these existing engines and vehicles. DERA authorizes EPA and the States to use loans and grants to help clean up existing dirty diesel engines and vehicles. Today's bill would also permit EPA to run rebate programs for clean diesel technology.

All 50 States and D.C. have established DERA programs. Today's bill would allow Puerto Rico, the Virgin Islands, American Samoa, and the Northern Mariana Islands to do the same. DERA projects have included retrofitting schoolbuses to reduce children's exposure to harmful air pollution, repowering locomotives used at seaports to save fuel and reduce emissions in the surrounding neighborhoods, and

replacing high-emitting construction equipment. Clean diesel funding has also been used to help small- and medium-sized trucking companies afford clean technologies.

I was pleased to see EPA's recent action stating a preference for programs for truckers that couple fuel conservation technology with emissions reduction technologies, including anti-idling technologies, over programs that only have fuel conservation provisions. This approach is consistent with the DERA program as amended by this bill.

DERA is delivering numerous benefits. EPA estimates that every $1 spent on clean diesel projects generates up to $13 of public health benefits. DERA also helps reduce our dependence on foreign oil. From projects funded in just the first year of the program, EPA estimates that the country will save more than 3.2 million gallons of fuel annually. This means that truckers and other diesel operators will spend $8 million less on fuel, and reduce their CO_2 emissions by 35,600 tons per year.

DERA also helps create jobs in the U.S. For every $500 million spent on diesel retrofit technology, DERA saves or creates on average almost 10,000 jobs. It also has facilitated the development of emerging cleaner technologies.

Given these benefits, it is not surprising that on November 9 a coalition of 538 companies and organizations representing manufacturing and business interests, environmental and health-based organizations, faith and labor groups, and State and local agencies wrote to House members to urge reauthorization of the Diesel Emissions Reduction Act, DERA. This reauthorization of DERA has strong bipartisan support, which has been a hallmark during its enactment and annually during the appropriations process.

Despite the significant benefits from DERA, today's bill sets the authorization level for 2012 through 2016 at half the level of that for 2007 through 2011. The authorizing level is being reduced so that it is more in line with the levels that are normally appropriated for this program.

□ 1030

It is not an indication that this Congress believes that the need for the program has decreased nor is it an indication that appropriated levels should be decreased. The Diesel Emissions Reduction Act has been a successful program that has widespread support and has produced significant benefits. I hope you will join me today in voting to reauthorize it.

I reserve the balance of my time.

Mr. BURGESS. I yield myself such time as I may consume.

Madam Speaker, it is somewhat ironic that here we are, almost poetic, like a line from a Robert Frost poem: on the shortest evening of the year, here we stand in the darkened wood, two roads diverge in front of us.

This Congress should be over. This Congress should have been over a month ago. But here we still are, continuing to pass legislation that is going to affect the lives of Americans well into this decade. And you have to ask yourself: Why is it that we are here doing this at this time?

Now, the bill before us is not necessarily bad policy. In fact, it was part of the Energy Policy Act of 2005. I voted in favor of that bill in 2005, and this reauthorizes a segment of it to deal with diesel emission reductions. And, all in all, it has been a good program.

The chairman is right; the amount of appropriations that are being authorized has been reduced from what was originally prescribed under the Energy Policy Act of 2005, and, all in all, that is a good thing. It is attributable to the fact that this has been a successful program and that its need going forward is less than what it was in 2005.

The chairman is also quite correct; diesel engines have a long life. They are a marvel of engineering. I have businesses in my district. Floyd McNeely, in my district in Fort Worth, runs a diesel refurbishing plant where he takes old run-out diesel engines and puts new life into them. Because of Environmental Protection Agency constraints, he can't sell them in this country but actually is able to sell them to countries in Central and South America, and they continue to perform good works, both in trucks and boats and other mechanical applications. Because of the long life of diesel engines, this program is indeed a reasonable one because it does reduce the diesel emissions from those engines that have been in use and provided gainful employment for a long period of time.

I am pleased the authorization was reduced. I am pleased that section 3 of this legislation before us authorizes a General Accounting Office study as to whether or not the authorization is even necessary going forward into the next period of authorization. It is important to make certain that this legislation stays on the right track.

Of course, as with many things in Washington, this legislation is supported by a broad coalition of environmental, science-based, public health, industry, and State and local government groups, all of which stand to benefit from this legislation. The American people, indeed, stand to benefit from this legislation because of the reduced amount of particulate emissions in older diesel engines.

But it still negates the fact that we shouldn't even be here in the first place. This Congress should have died a merciful death after being repudiated by the American people in the last election, and yet here we are, late into December, continuing to enact policies that are going to affect American lives well into this decade and probably decades beyond.

The American people spoke loudly with one voice and with extreme clarity on November 2 of this year. They said: Congress, stop. You've done enough damage. Go home and let us send new people to do the job.

Well, the new people are waiting in the wings, 80 freshmen on my side, ready to take the reins of power. Yet here we are at the 11th hour continuing to push policy across the floor. Whether it be good or bad policy at this point is not the point. The point is this Congress should have long ago gone home and wrapped up its business.

I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, we are paid until the end of the year. We are here to do our job. The American people said to work things out on a bipartisan basis. That is what we have done with this legislation.

I am pleased to yield 5 minutes to my good friend from southern California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of the Senate amendments to H.R. 5809, the Senate version of the Diesel Emissions Reduction Act of 2010. As author of H.R. 6482, the House companion to the Senate bill, S. 3973, I urge my colleagues to join me in supporting this legislation.

I would argue that this legislation was not just brought up in the lame duck session. In fact, I have staff members here who worked a great deal of time with the Energy and Commerce Committee to bring forward this very thoughtful legislation. What this legislation will do is create jobs, save lives, and significantly improve the Nation's air quality system.

I wish to thank Chairman WAXMAN and Chairman MARKEY and their staffs for their support and everything they have done to make it possible to bring this bill to the floor. It is important. People's health is important, even today in a lame duck session. I also appreciate the efforts of Senator VOINOVICH and Senator CARPER in shepherding this bill through the Senate.

This legislation reauthorizes and extends DERA for an additional 5 years and includes several important modifications to expand the program and increase eligibility. DERA has proven to be successful, and this is why we are bringing this bill forward today, in reducing diesel emissions by upgrading and modernizing older diesel engines and equipment.

You might ask: Why is this important to me in my particular district and in California and in the Nation? Well, I'll tell you why. Our district is home to the two busiest container ports in the United States: the Port of Los Angeles and the Port of Long Beach. On average, 35,000 trucks commute to and from the ports daily, and by the year 2030 this number is expected to triple.

Those living along freight corridors in my district are already suffering from asthma and cancer rates far above the national average. Air quality improvement and reductions in emissions are vital to the quality of life and health for those who live along the goods movement corridors.

The immediate and long-term benefits of passing the DERA 2010 Act are substantial, both in my district and in the Nation. Additionally, the Diesel Emissions Reduction Act of 2010 provides economic incentives that all of our State and local governments need right now, with their private fleets that contract with State and local governments, to decrease emissions still while maintaining and expanding their levels of service.

Since DERA was funded back in 2007, more than 3,000 projects nationwide have benefited from this very program. The EPA has estimated that the program averages more than $13 in savings, yes, savings, in health and economic benefits for every $1 in funding, and this reauthorization even further emphasizes cost-effective programs. Moreover, projections estimate that nearly 2,000 lives will be saved by 2017 in direct relation to DERA's impact on air quality.

This legislation has been endorsed by leading environmental, health, and transportation organizations who have argued that DERA is an effective program that protects and creates American jobs.

I would like to include in the RECORD a letter supporting this legislation signed by over 500 leading environmental, health, and transportation organizations and companies.

Members in both Chambers and on both sides of the aisle have embraced this legislation. I urge my colleagues to support it again today.

November 9, 2010.

Hon. LAURA RICHARDSON,
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN RICHARDSON: As a uniquely broad coalition of environmental, science-based, public health, industry, labor and state and local government groups, we are writing in support of efforts to reauthorize the Diesel Emission Reduction Act (DERA), scheduled to expire at the end of fiscal year 2011. The program has been extremely successful in providing cost-effective public health and environmental benefits.

Diesel-powered vehicles and equipment play an important role in the nation's economy and are getting cleaner every day. DERA, originally enacted in 2005 with overwhelming bipartisan support, was designed to reduce emissions from the 20 million existing diesel engines in use today by as much as 90 percent.

Since enactment, DERA has been successful from an economic, environmental and public health perspective, yielding one of the greatest cost-benefit ratios of any federal program, according to the Office of Management and Budget calculations. In a recent Report to Congress on the first year of the DERA program, the Environmental Protection Agency (EPA) estimates that for every dollar spent on the DERA program, an average of more than $20 in health benefits are generated. Every state in the nation now has a diesel retrofit program and benefits from DERA funding.

As a result of the program's success, DERA benefits from extensive broad-based support. Over 350 diverse companies and organizations from across the country have signed letters in support of DERA. In addition, the U.S. Conference of Mayors, the National Association of Counties and the National Conference of State Legislatures all adopted policies at their annual meetings this summer calling on Congress to reauthorize the Diesel Emissions Reduction Act. We encourage you to prioritize passage of this successful bi-partisan program the next time Congress is in session to ensure continued benefits for all.

We strongly support efforts to reauthorize the program for an additional five years at the current authorized level of funding along with a few modest changes. Changes proposed in draft legislation will make the program more effective by streamlining the grant process, improving EPA's administration, removing outdated language, and ensuring full consideration of the congressional policies and priorities established in the law.

We urge you to support efforts to reauthorize the Diesel Emission Reduction Act (DERA), by cosponsoring legislation once introduced, to ensure the continuation of this widely successful, cost effective program.

Sincerely,

Action for Regional Equity; Action United; AGC of Minnesota; AJC-Palm Beach County Regional Office; Alabama State Port Authority; Alban Tractor Company, Inc.; Albany Port District Commission, Alivio Medical Center; Allied Grape Growers; Almond Hullers & Processors Association; Alternatives for Community and Environment (ACE); Amalgamated Transit Union Local 241; American Association of Port Authorities (AAPA); American Lung Association; American Lung Association in Alabama; American Lung Association in Alaska; American Lung Association in Arizona; American Lung Association in Arkansas; American Lung Association in California; American Lung Association in Colorado.

American Lung Association in Connecticut; American Lung Association in DC; American Lung Association in Delaware; American Lung Association in Florida; American Lung Association in Georgia; American Lung Association in Hawaii; American Lung Association in Idaho; American Lung Association in Illinois; American Lung Association in Indiana; American Lung Association in Iowa; American Lung Association in Kansas; American Lung Association in Kentucky; American Lung Association in Louisiana; American Lung Association in Maine; American Lung Association in Maryland; American Lung Association in Massachusetts; American Lung Association in Michigan; American Lung Association in Minnesota; American Lung Association in Mississippi; American Lung Association in Missouri.

American Lung Association in Montana; American Lung Association in Nebraska; American Lung Association in Nevada; American Lung Association in New Hampshire; American Lung Association in New Jersey; American Lung Association in New Mexico; American Lung Association in New York; American Lung Association in North Carolina; American Lung Association in North Dakota; American Lung Association in Ohio; American Lung Association in Oklahoma; American Lung Association in Oregon; American Lung Association in Pennsylvania; American Lung Association in Rhode Island; American Lung Association in South Carolina; American Lung Association in South Dakota; American Lung Association in Tennessee; American Lung Association in Texas; American Lung Association in Utah; American Lung Association in Vermont; American Lung Association in Virginia.

American Lung Association in Washington; American Lung Association in West Virginia; American Lung Association in Wisconsin; American Lung Association in Wyoming; American Road & Transportation Builders Association; Appalachian Voices; Artic Breeze/Hammond Air Conditioning Limited; Associated California Loggers; Associated Equipment Distributors; Associated General Contractors of America (AGC); Associated General Contractors of Greater Milwaukee; Association of American Railroads; Association of Equipment Manufacturers; Asthma Regional Council; Atlanta Bicycle Coalition; Autotherm Division Enthal Systems Inc.; B.R. Williams, Inc.; Baltimore Nonviolence Center; BASF Catalyst LLC; Baumot North America, LLC.

Bay Area Air Quality Management District; Beaverton Schools Transportation; Beck Bus Transportation; Bell Associates International LLc; Beverly Unitarian Church; Bike Pittsburgh; Bikes Not Bombs; Blue Diamond Growers; Boston Climate Action Network (BostonCAN); Boston Healthy Homes and Schools Collaborative; Brattain International Trucks, Inc.; Breast Cancer Action Coalition; Breathe Clean Air Action Team (BCAAT, Inc.); Brett Hulsey, Dane County; Supervisor, District 4; California Association of Wheat Growers; California Cattlemen's Association; California Citrus Mutual; California Cotton Ginners Association; California Cotton Growers Association; California Dairy Campaign; California Farm Bureau Federation; California Grape & Tree Fruit League; California Partnership for the San Joaquin Valley, Air Quality Work Group; California Rice Commission.

California School Transportation Association; California Women for Agriculture; Campbell Maritime, Inc.; Canary Coalition; Capitol Underground, Inc.; Carolina Green Food Service Supply; Cascade Sierra Solutions—Coburg, OR Branch; Cascade Sierra Solutions—Fontana, CA Branch; Cascade Sierra Solutions—National; Cascade Sierra Solutions—Portland, OR Branch; Cascade Sierra Solutions—Sacramento, CA Branch; Cascade Sierra Solutions—Seattle, WA Branch; Catalytic Solutions, Inc.; Caterpillar Inc.; Center for Biological Diversity; Center for the Celebration of Creation (Philadelphia, PA); Central Valley Air Quality Coalition (CVAQ); Charlotte Area Bicycle Alliance.

Charlotte Energy Solutions; Chelsea Board of Health; Chelsea Collaborative, Inc; Chelsea Creek Action Group; Chelsea Green Space and Recreation Committee; Chesapeake Climate Action Network; Chestnut Ridge Transportation, Inc.; Chicago Area Clean Cities; Childhood Lead Action Project; Citizen Action/Illinois; Citizen Power; Citizens Against Ruining the Environment; Citizens Environmental Coalition; Citizens for Pennsylvania's Future (PennFuture); City of Pittsburgh; City of Westland, Michigan; Cleaire Advanced Emissions Controls; Clean Air Board of Central Pennsylvania; Clean Air Carolina; Clean Air Council.

Clean Air Partnership; Clean Air Task Force (CATF); Clean Air Watch; Clean Energy Coalition (MI); Clean Fuels Ohio; Clean New York; Clean Water Action—California; Clean Water Action—Chesapeake Region; Clean Water Action—Colorado; Clean Water Action—Connecticut; Clean Water Action—Florida; Clean Water Action—Michigan; Clean Water Action—National; Clean Water Action—Pennsylvania; Clean Water Action—Rhode Island; Clean Water Action—Texas; Clean Water Action Alliance of Massachusetts; Cleveland County Asthma Coalition (NC); Coalition for Responsible Transportation (CRT); Coalition of Labor, Agriculture and Business—Imperial.

Commuter Challenge; Connecticut Citizen Action Group; Constructors Association of Western Pennsylvania; Consulting for Health, Air, Nature, and a Greener Environment (CHANGE); Consumer Health Coalition; Corning Incorporated; Craufurd Manufacturing, LLC; Cummins Atlantic, LLC;

Cummins Bridgeway LLC; Cummins Cal Pacific, LLC; Cummins Crosspoint, LLC; Cummins Inc.; Cummins Mid-South, LLC; Cummins Northeast, LLC; Cummins Northwest, LLC; Cummins NPower LLC; Cummins Power South, LLC; Cummins Power Systems, LLC; Cummins Rocky Mountain, LLC; Cummins Southern Plains, LLC.

Cummins West, Inc.; DC Environmental Network; Dean Transportation; Deere & Company; Dell Transportation; Developing Communities Project; Diesel Technology Forum (DTF); Donaldson Company; Dorchester Environmental Health Coalition (DEHC); Dousman Transport Company, Inc.; Duluth Seaway Port Authority; Durham School Services LLC; E Global Solutions, Inc. (EGS); Earth Day Coalition; Earth Force, Inc.; Earthjustice; East Michigan Environmental Action Council; Eaton Corporation; ECO-Action; Ecology Center.

Ecumenical Ministry of Oregon; Educational Bus Transportation, Inc.; Emissions Control Technology Association (ECTA); Emisstar LLC; EnergyCel; EnergyXtreme; Engine Control Systems Limited; Engine Manufacturers Association (EMA); Environment Maryland; Environment North Carolina; Environment Northeast; Environment Ohio; Environment Oregon; Environment Rhode Island; Environmental Advocates of New York; Environmental Defense Fund; Environmental Health Fund; Environmental Health Watch (OH); Environmental Justice League of Rhode Island; Environmental Justice Partnership.

Environmental Law and Policy Center; Espar Heater Systems; Evangelical Diocese of the Northwest; Farmworker Association of Florida; First Student; FitzGerald Corp.; Foss Maritime Company; Fowler Bus Company, Inc.; Freight Wing Inc.; Fresno County Farm Bureau; Friends of the Earth; Friends of the Moshassuck (RI); GA Women's Actions for New Directions; Georgia Mining Association; Georgia Women's Action for New Directions (GA WAND); Gladstein, Neandross & Associates; Gordon Trucking, Inc.; Great Land Conservation Trust; Greater Four Corners Action Coalition (GFCAC); Greater Lansing Area Clean Cities; Green Communities Coalition.

Green Cycle Group—Northeastern Illinois University; Green Decade Cambridge; Green Medford (Medford, MA); Green Sanctuary Group; GreenLaw; Greenpeace; Groundwork Lawrence; Groundwork Somerville; Group Against Smog and Pollution (Pittsburgh); Growth Through Energy + Community Health (GTECH); Health Resources in Action, Inc.; Healthy Chicago Lawn Coalition; Healthy Schools Campaign; Hendrickson Bus Corporation; Hill District Consensus Group; Howard Brown Health Center; Huntington Breast Cancer Action Coalition; Huntington Coach Corporation; Idle Free Systems Inc.; Illinois Association of School Nurses.

Illinois Environmental Council; Illinois Maternal and Child Health Coalition; Illinois Public Health Association; Illinois Public Interest Research Group (PIRG); Illinois School Transportation Association; Imperial Valley Vegetable Growers Association; Inland Power Group (Butler, WI); Institute for Local Self-Reliance; InterMotive, Inc.; Interreligious Eco-Justice Network (Connecticut's Interfaith Power and Light); Jaco Transportation, Inc.; James Ginda, MA, RRT, AE–C, CHES; John Engen, Mayor—Missoula, Montana; Johnson Matthey, Inc.; Kern County Farm Bureau; Kings County Farm Bureau; Kobussen Buses Ltd.; Krapf Bus Companies; KyotoUSA; Lawrence Mayor's Health Task Force; Leadership Council of the Congregation of the Sisters, Servants of the Immaculate Heart of Mary; Leonardo Academy Inc.; Liqtech NA; LivableStreets Alliance.

M & M Bus Service, Inc.; M.A.Turbo/Engine Ltd.; MA Republicans for Environmental Protection; Madeline Island Ferry Line; Madera County Farm Bureau; Makah Tribe; Mankato Area Environmentalists; MANN+HUMMEL; Manufacturers of Emission Controls Association (MECA); Maryland Port Administration—Port of Baltimore; Maryland Public Interest Research Group (PIRG); Massachusetts Climate Action Network; Massachusetts Port Authority; Mattabeseck Audubon Society; McHenry Pressure Cleaning Systems; McLean Contracting Company; Mecklenburg County, NC, Board of County Commissioners; Merced County Farm Bureau; Metrolina Biofuels; Metropolitan Mayors Caucus Clean Air Counts Campaign.

Michigan Citizen Action; Michigan Environmental Council; Michigan Infrastructure & Transportation Association; Michigan Interfaith Power and Light; Michigan League of Conservation Voters; Middlesex Clean Air Association; Mid-Ohio Regional Planning Commission (MORPC); Minnesota Center for Environmental Advocacy; Minnesota Clean Water Action Alliance; Minnesota School Bus Operators Association; MIRATECH Corporation; Mississippi State Port Authority; Mobile Bay Audubon Society; Montana Association of Churches; Montana Public Health Association; Mothers & Others for Clean Air (GA); MTU Detroit Diesel Inc.; MV Student Transportation; National Association for Pupil; Transportation (NAPT); National Association of Clean Air Agencies (NACAA); National Association of Counties; National Association of Manufacturers.

National Association of State Directors of Pupil Transportation Services; National Association of Waterfront Employers (NAWE); National Ground Water Association; National School Transportation Association; Natural Resources Council of Maine; Natural Resources Defense Council (NRDC); Navistar, Inc.; NC Conservation Network; NC Pediatric Society; NC WARN; Near Northwest Neighborhood Network; Neighborhood of Affordable Housing (NOAH); Neighborhood Planning Unit H Health Committee; New Jersey Clean Cities Coalition; New Jersey Environmental Federation (State Chapter of Clean Water Action); New York Association for Pupil Transportation; New York Public Interest Research Group (NYPIRG); NGK Automotive Ceramics USA, Inc.; Nine Mile Run Watershed Association; Nisei Farmers League.

North Carolina State Ports Authority; Northeast Ohio Clean Fuels Program; Northeast States for Coordinated Air Use Management (NESCAUM); Northwest Environmental Defense Center; Nose Cone Mfg. Co.; Nuestras Raices; NxtGen Emission Controls USA Inc.; NY Student Xpress; Ocean State Action (RI); Ohio Contractors Association; Ohio Environmental Council; Ohio League of Conservation Voters; Ohio Network for the Chemically Injured; One Less Car; Oregon Department of Environmental Quality; Oregon Environmental Council; Oregon Interfaith Power and Light; Oregon Physicians for Social Responsibility; Oregon Toxics Alliance; Oregon Trucking Associations; Pace Energy and Climate Center; Pacific Merchant Shipping Association; Pacific Northwest Waterways Association (PNWA); Parallel Housing, Inc.

Pennsylvania Council of Churches; Petermann LTD; Physicians for Social Responsibility—Sacramento; Physicians for Social Responsibility—Tampa Bay; Pierce Coach Line, Inc.; Pilsen Environmental Rights & Reform Organization; Pioneer Valley AFL–CIO; Pioneer Valley Asthma Coalition; Pitt County Memorial Hospital—Pediatric Asthma Program; Pittsburgh Interfaith Impact Network; Pittsburgh Region Clean Cities; Pittsburgh UNITED; Port Authority of New York & New Jersey; Port Everglades; Port of Corpus Christi Authority; Port of Everett; Port of Houston Authority; Port of Long Beach; Port of Los Angeles; Port of Oakland; Port of Pittsburgh Commission.

Port of Portland (OR); Port of San Francisco; Port of Seattle; Port of Tacoma; Portland, CT Clean Energy Task Force; Portland-River Valley Garden Club; Prevention is the Cure, Inc. (Huntington, NY); Progress Michigan; R.I.C.H.T.E.R. Foundation; Rachel Carson Institute; Rachel's Friends Breast Cancer Coalition; Regional Air Pollution Control Agency; Regional Environmental Council of Central Mass; Renewable Energy Long Island (RELI); Republicans for Environmental Protection; Respiratory Health Association of Metropolitan Chicago; Retail Industry Leaders Association; Rhode Island Chapter—Interfaith Power and Light; Rhode Island Chapter of the Sierra Club; Rhode Island Committee on Occupational Safety and Health (RICOSH); Rhode Island Nurses Association; Rhode Island Society for Respiratory Care.

Riteway Bus Service, Inc.; RJ Corman Railroad Group; Robert Bosch LLC; Rolling V Bus Corp.; Rush Truck Center—Abilene (TX); Rush Truck Center—Albuquerque (NM); Rush Truck Center—Alice (TX); Rush Truck Center—Ardmore (OK); Rush Truck Center—Atlanta (GA); Rush Truck Center—Austin (TX); Rush Truck Center—Chandler (AZ); Rush Truck Center—Dallas (TX); Rush Truck Center—Denver (CO). Rush Truck Center—El Centro (CA); Rush Truck Center—El Paso (TX); Rush Truck Center—Escondido (CA); Rush Truck Center—Flagstaff (AZ); Rush Truck Center—Fontana (CA); Rush Truck Center—Fort Worth (TX); Rush Truck Center—Greeley (CO).

Rush Truck Center—Haines City (FL); Rush Truck Center—Houston (TX); Rush Truck Center—Jacksonville (FL); Rush Truck Center—Laredo (TX); Rush Truck Center—Las Cruces (NM); Rush Truck Center—Lufkin (TX); Rush Truck Center—Mobile (AL); Rush Truck Center—Nashville (TN); Rush Truck Center—Oklahoma City (OK); Rush Truck Center—Orlando (FL); Rush Truck Center—Pharr (TX); Rush Truck Center—Phoenix (AZ); Rush Truck Center—Pico Rivera (CA); Rush Truck Center—San Antonio (TX); Rush Truck Center—San Diego (CA); Rush Truck Center—Sealy (TX); Rush Truck Center—Sylmar (CA); Rush Truck Center—Tampa (FL); Rush Truck Center—Texarkana (TX); Rush Truck Center—Tucson (AZ); Rush Truck Center—Tulsa (OK); Rush Truck Center—Tyler (TX); Rush Truck Center—Waco (TX); Rush Truck Center—Winter Garden (FL); Rypos, Inc..

Sacramento Metropolitan Air Quality Management District; San Joaquin Farm Bureau Federation; San Joaquin Valley Air Pollution Control District; San Luis Obispo County Air Pollution Control District; Santa Barbara County Air Pollution Control District; School Bus, Inc.; Science and Environmental Health Network; SD Johnston Engineering Consultants; Service Employees International Union Local 23 BJ; Pittsburgh; Shadowood Technology Inc; Shorepower Technologies; Sierra Club—Allegheny Group; Sierra Club, Atlantic Chapter; Somerville Climate Action; South Carolina Coastal Conservation League; South Carolina State Ports Authority; South Coast Air Quality Management District; South Shore Clean Cities, Inc. (Northern Indiana); Southern Alliance for Clean Energy; Southern Environmental Law Center.

Southwest Detroit—South Dearborn Environmental; Collaborative; Southwest Detroit Clean Diesel Collaborative; Southwest Detroit Community Benefits Coalition; Southwest Detroit Environmental Vision; Spokane

Regional Clean Air Agency; Stanislaus County Farm Bureau; Starcrest Consulting Group, LLC; State of Wisconsin Office of Energy Independence; Sunrise Bus Company; Sunrise Southwest, LLC; Sunrise Transportation; Sustainable Conservation; Sustainable Energy Alliance of Long Island; Sustainable Englewood Initiatives; Sustainable Pittsburgh; Tacoma Rail; Tampa Port Authority; Tenneco, Inc.; Tennessee Citizens for Wilderness Planning.

Tennessee Environmental Council; Tennessee Interfaith Power and Light; The Construction Institute; The TransGroup, LLC; Thomas Built Buses, Inc.; Toxics Information Project; Triangle Clean Cities Coalition; Truck Manufacturers Association; Tulare County Farm Bureau; Umicore Autocat USA Inc.; Union County Environmental Health (NC); Union of Concerned Scientists; United Food and Commercial Workers Union Local 23; United Motorcoach Association; United States Chamber of Commerce; University of Maryland for Clean Energy; Utah Clean Cities Coalition; Village of Oak Park, Illinois; Virginia Port Authority; Vision Transportation Services, Inc.; Voices for Earth Justice; Volvo Group North America.

Wake County Asthma Coalition; Washington State Department of Ecology; Western MA Jobs with Justice; Western Massachusetts Coalition for Occupational Safety and Health; Western N.C. Physicians for Social Responsibility; Western States Petroleum Association; Western United Dairymen; WI. Engine Manufacturers & Distributors Alliance; WIH Resource Group; Wisconsin Clean Cities—Southeast Area, Inc.; Women for a Healthy Environment; Women's Voices for the Earth; Yakima Regional Clean Air Agency; Yancey Power Systems; Zeeland Public Schools.

Mr. BURGESS. I yield myself such time as I may consume.

Madam Speaker, I would only point out, certainly I have no objection to working. In fact, in my prior life as a physician I worked many Christmases, many New Years, many Fourth of Julys, Mothers Days, and Veterans Days. But the fact is here we are at the 11th hour, probably on the next to the last day before this Congress dies a merciful death, and here we are passing legislation that, in fact, we have not had a hearing on in our committee. We have not had a markup on this legislation in our committee.

Several of us in the room right now are members of the Energy and Commerce Committee. I argue passionately during our committee hearings and markups that it is probably the committee with the most expertise in the whole United States Congress, and yet we didn't have a hearing to ask the simple question: Okay. We passed this legislation as part of the Energy and Policy Act in August of 2005 when it was signed into law by then President Bush. How has it done? How has it worked out? Has it performed as requested?

I can't argue the fact that this isn't a good proposal. I voted for it in 2005. I suspect it is a good proposal. But wouldn't it have been great to have a hearing, to have a markup? But, instead, we bring this bill to the floor at the 11th hour right before this Congress is to adjourn, thankfully, for the last time, and Members are expected to vote on it up or down. It is a travesty to do things in this way, and I hope things will change for the better in the next Congress.

Ms. MATSUI. Madam Speaker, I rise today in support of legislation that I introduced, along with Congresswoman RICHARDSON, which would reauthorize the Diesel Emissions Reduction Act, DERA, to fund the modernization of diesel engines through retrofits.

Countless studies have shown that diesel emissions are one of the most significant health risks to Americans. More specifically, the Environmental Protection Agency, EPA, has linked these emissions to premature death, aggravation of symptoms associated with asthma, and numerous other health impacts every year.

To address this problem, in 2005, Congress enacted the Diesel Emissions Reduction Act, which established a five-year voluntary national and state-level grant and loan program to reduce diesel emissions, protect public health, and help states meet air quality standards of the Clean Air Act.

Retrofitting diesel engines provides enormous environmental benefits, yet before this program was implemented, there were few direct economic incentives for vehicle and equipment owners to do so. The financial incentives provided by DERA support voluntary rather than regulatory efforts to assist states meet current air quality standards. Reauthorization of this critical program, which cleans up more than 14,000 diesel-powered vehicles and equipment annually, would strengthen our ongoing efforts to reduce pollution, create additional demand for clean diesel technology, and employ thousands of workers who manufacture, sell or repair diesel vehicles and their components.

It is for these reasons that the DERA program, which averages more than $13 in health and economic benefits for every $1 invested according to the EPA, needs to be reauthorized.

I would be remiss if I did not recognize Senators VOINOVICH and CARPER for authoring the DERA reauthorization program in the Senate, and to commend them for their outstanding leadership on this important issue. Their legislation served as the counterpart to the measure we introduced in the House of Representatives.

H.R. 5089, which was unanimously approved by the other chamber, has garnered the support of a broad coalition of more than 530 environmental, public health, industry and labor stakeholders.

In closing, I urge my colleagues to join me in improving America's air quality by upgrading and modernizing older diesel engines by voting in favor of H.R. 5089.

Mrs. CHRISTENSEN. Madam Speaker, I rise in support of S. 3973, the reauthorization of the Diesel Emissions Reduction Act, a successful program that I strongly believe will make a major difference in lowering energy costs for consumers in all territories.

I am pleased that the program includes entities in the smaller territories, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and the U.S. Virgin Islands for the first time.

While we are not at the level that we need, we pledge to fight for better inclusion in the future and do recognize that this is an important first step for the territories, which rely considerably on fossil fuels, including diesel.

As the country transitions to a clean energy economy, I am sure that we all can agree that it is only fitting that all jurisdictions under the U.S. flag are able to take part in national and state diesel emissions reduction grant and loan programs. Though the Energy Policy Act of 2005 has achieved much in ensuring that states qualify for grant and loan programs, geared towards reducing diesel emissions—today's reauthorization of the DERA will go a long way to ensure that all U.S. citizens are able to tap into the resources necessary to relieve the burdens associated with the combustion of dirty fossil fuels.

Reducing emissions from diesel engines is one of the most important air quality challenges facing the U.S. and its territories. Though it is undeniable that diesel engines have proven to be an invaluable resource over the years, it is high time that we reevaluate our over dependence on this fuel source—and look towards more sustainable alternatives.

As we are all aware, these engines emit large amounts of nitrogen oxides, particulate matter and air toxins, resulting in serious public health concerns.

Much of our heavy machinery and school buses are operated by diesel engines that do not meet EPA's clean diesel standards. Extension of the diesel emission reduction provisions will not only help to further current commitments to reduce air pollution but will make great strides in protecting our communities' health and that of future generations. Inclusion of all the territories in the DERA reauthorization would provide our jurisdictions with the opportunity to access currently unavailable resources necessary to retrofit existing equipment and implement new emissions control technologies.

At this time I would applaud the authors of this bill and thank Chairman WAXMAN and Energy and Commerce Committee staff for their leadership in ensuring that the territories are included in this important bill. I would also like to recognize the CNMI, Guam, American Samoa and Puerto Rico delegations for their tireless efforts on this issue as well.

Mr. MARKEY of Massachusetts. Madam Speaker, I rise in support of the Diesel Emission Reduction Act of 2010. This bill would reauthorize the extremely successful Diesel Emission Reduction Act, known as "DERA", enacted as part of the Energy Policy Act of 2005 and administered by the Environmental Protection Agency. Since its creation the DERA program has provided Federal grants and loans to support more than 3,000 projects to retrofit diesel engines to reduce pollution. The emissions reductions achieved by DERA have resulted in over $600 million in public health benefits so far. The program has provided over $13 in health and economic benefits for every $1 spent on retrofits, and has created or sustained nearly 9,000 jobs since Fiscal Year 2008.

The legislation now before us would reauthorize the DERA program through Fiscal Year 2016 and would make a number of important improvements. Notably it would allow EPA to establish a rebate program, alongside the existing grant and loan program. It would also allow private entities under contract with a non-profit or government to apply directly for funding, instead of limiting the program to government entities. These improvements will help this program to continue to clean our air and protect public health from diesel pollution.

This is a bipartisan bill championed by Senators CARPER and VOINOVICH and deserves our support. I urge a ''yes'' vote.

Mr. JOHNSON of Georgia. Madam Speaker, I rise in support of 5809, the Diesel Emissions Reduction Act. This legislation will reauthorize an important program that establishes a voluntary national and state-level grant and loan program to reduce emissions from existing diesel engines through clean diesel retrofits.

This reauthorization is particularly important for the citizens of my home State of Georgia who face the 15th highest risk of premature death due to diesel soot, when compared to the lower 48 states. According to the Clean Air Task Force, diesel soot in Atlanta leads to 335 premature deaths, over 14 thousand asthma attacks, and over 250 cases of chronic bronchitis. The cancer risk of breathing diesel soot in Atlanta is 442 times the EPA's acceptable cancer level of 1 in a million. These figures are appalling and unacceptable.

The Diesel Emissions Reduction Act has supported the cleanup of diesel engines throughout Georgia and every state in the union. Passage of this bill will improve health outcomes and save on health care costs across the country and that is why I urge my colleagues to vote yes.

□ 1040

Mr. BURGESS. As the gentleman knows, I can talk on this until my time has expired, but in the interest of comity and the spirit of the season and peace on Earth, good will toward men, I will yield back the balance of my time.

Mr. WAXMAN. Notwithstanding the fact the gentleman yielded back his time, I want to now use the remainder of mine, but I won't, even though I could, but in the interest of comity and good will, I won't complain, I won't go on, I will simply yield back my time and urge Members to support this worthwhile piece of legislation, which is now being, hopefully, passed for the second time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5809.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

DEFENSE LEVEL PLAYING FIELD ACT

Mr. INSLEE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6540) to require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense Level Playing Field Act''.

SEC. 2. CONSIDERATION OF UNFAIR COMPETITIVE ADVANTAGE IN EVALUATION OF OFFERS FOR KC–X AERIAL REFUELING AIRCRAFT PROGRAM.

(a) REQUIREMENT TO CONSIDER UNFAIR COMPETITIVE ADVANTAGE.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall, in evaluating any offers submitted to the Department of Defense in response to a solicitation for offers for such program, consider any unfair competitive advantage that an offeror may possess.

(b) REPORT.—Not later than 60 days after submission of offers in response to any such solicitation, the Secretary of Defense shall submit to the congressional defense committees a report on any unfair competitive advantage that any offeror may possess.

(c) REQUIREMENT TO TAKE FINDINGS INTO ACCOUNT IN AWARD OF CONTRACT.—In awarding a contract for the KC–X aerial refueling aircraft program (or any successor to that program), the Secretary of Defense shall take into account the findings of the report submitted under subsection (b).

(d) UNFAIR COMPETITIVE ADVANTAGE.—In this section, the term ''unfair competitive advantage'', with respect to an offer for a contract, means a situation in which the cost of development, production, or manufacturing is not fully borne by the offeror for such contract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Kansas (Mr. MORAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. INSLEE. Madam Speaker, I yield myself such time as I may consume.

We have another great bipartisan success today, at the closing day of our Congress, and I want to thank Representatives LARSEN, BLUNT, TIAHRT, MORAN, and MCDERMOTT for bringing this bipartisan bill to the floor. This bill is the Defense Level Playing Field Act, which will incorporate in standalone legislation an amendment we adopted with huge bipartisan support previously by a vote of 410–8 on the defense authorization bill.

This bill is very important to bring a level of fairness and competitiveness from a job creation perspective to the tanker contract, which is now one of the largest procurement contracts in American history, a $35 billion contract providing for 179, and ultimately 400, aerial refueling planes, which will replace the Eisenhower-era tankers, which is so critical to our Nation's skeleton and backbone of our Nation's defense.

I note the basic thrust of this bill is to make sure that in our procurement process that we have fairness—fairness both to the law and fairness to the American workers, who are so successful. And one of the bidders we hope to be so successful with is the Boeing 767 platform, which will be fully capable of continuing the tradition of American provision of the very backbone of our American fleet and providing our tankers.

I want to make four points about what this bill will do. Basically, what this bill will do is require the Defense Department to take into consideration any unfair competitive advantage of any of the bidders in this contract. What basically this bill will do is require that the Pentagon take into consideration any unfair competitive advantage enjoyed by either of the bidders, Boeing or the Airbus consortium, and that is defined as costs of development, production, or manufacturing that are not fully borne by the offeror of any such contract.

Obviously, what gave rise to this amendment was the fact that we have found that there were over $5 billion of illegal, unfair competitive advantage that has been enjoyed by one of the contractors, the Airbus consortium.

But I want to make four points about what our bill does. Number one, our bill basically says that we need a fair competition. We are happy to compete as Americans. We love competition. We're happy to compete, but we need to do it on a level playing field. And this bill is very fair because it says that any unfair competitive advantage of either of the bidders needs to be taken into consideration in this bill. We love competition, but it needs to be fair.

Second, this bill is fair to both sides, Boeing and Airbus, America and Europe, because it requires an unfair competitive advantage from either bidder to be taken into consideration. And it is WTO-compliant. We were careful to draft the bill with that in mind.

Third, this is an enormous contract, and there have been enormous unfair competitive advantages bestowed on one of the bidders—frankly, Airbus. The $5 billion of illegal subsidies that we have found come out to somewhere between 27 and $5 million an airplane. This is an extraordinarily unfair advantage that one of the bidders has been given, and we need to take that into consideration.

Fourth, the job importance of this issue cannot be overstated. It is estimated that 62,000 jobs could hang in the balance if we allow these illegal subsidies not to be remedied in this procurement contract. American workers have built the best airplanes. They're ready to do it. And we're not going to allow tens of thousands of jobs to be lost based on illegal subsidization by our friends in Europe.

Now we have standalone legislation. We look forward to giving the Senate every opportunity to act on this.

With that, I reserve the balance of my time.

Mr. MORAN of Kansas. Madam Speaker, I yield myself such time as I may consume.

I rise to support the legislation introduced by the gentleman from Washington, and I appreciate his explanation for what this legislation does. I am here to encourage my colleagues both in the House and the Senate to support this legislation to level the playing field in the Air Force tanker competition. This is an unending story, presumably. It has gone on for a long time. But at this stage in the process, we need to make certain that there is fairness. We need fairness for our workers, fairness for American companies, and fairness for the American taxpayer.

Earlier this year, the World Trade Organization found that European governments are guilty of providing nearly $6 billion in illegal subsidies to Airbus to develop aircraft. These subsidies can put our American workers at a disadvantage in the world marketplace. Tens of thousands of U.S. aerospace jobs have already been lost overseas; the Department of Defense, we risk job loss in the $35 billion tanker competition with these subsidies. In Wichita, Kansas, alone, where the finishing center for the new Boeing tanker will take place, the tanker contract could mean 7,500 jobs.

Common sense today tells us that when we are so desperate for employment in the United States, we need to make certain that the competition we are engaged in is based upon fairness. But even with the WTO decision, the Department of Defense has ignored the facts. The Pentagon must not be working against millions of Americans who are looking for work, nor should our own government ask American taxpayers to foot the bill for a European economic stimulus.

The Defense Level Playing Field Act tells the Pentagon it can no longer close its eyes to the unfair European subsidies. This bill says that the tanker bidding process must be conducted fairly. Its intent is to require the DOD to take into account the price impact of illegal European subsidies. It makes sure that there is a level playing field so that no bidder, whether it's foreign or domestic, has an unfair competitive advantage.

American aerospace workers are ready to support our men and women in uniform with the best tanker, and they must be given a fair opportunity to do so. Please join me in standing up for the American worker and for the U.S. taxpayer by voting favorably for the Defense Level Playing Field Act.

I reserve the balance of my time.

Mr. INSLEE. Madam Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. I want to congratulate Mr. INSLEE and his leadership on this measure.

Madam Speaker, in a few short weeks, according to the latest news from the Pentagon, this tanker contract is expected to be awarded. Again, I don't think anyone can understate the impact over the decades that final outcome will have on the U.S. economy, particularly our aerospace industrial base.

□ 1050

As has been mentioned by prior speakers, the first tranche of contracts will be about $35 billion. In total, it is estimated to be about $100 billion just in manufacturing. Given the age of the existing tanker planes, the maintenance and repair work is probably another $100 billion if you look over the lifetime of this plane's existence.

So, for the American industrial base, the decision which the Pentagon is on the verge of announcing will have an impact decades hence, and it is extremely important for the American taxpayers that they be given total assurance that this decision is going to be made fairly and with the best interests of our country at heart.

If you would just step back and look at other weapons procurement programs, whether it is nuclear submarines, aircraft carriers, the Joint Strike Fighter, the notion that those contracts, that those weapons platforms would be awarded to foreign manufacturers that receive subsidies from their governments would be just laughable; but for some reason, in this instance, the Department of Defense has just turned a blind eye to the obvious unfairness which this bid process has produced.

So, again, what this very simple measure seeks to do is to put a big red warning flag up to the Pentagon to say, when this decision is made, for the sake of the American taxpayers, subsidies that have been found to be illegal will be taken into account in the final decision.

I urge strong support for this measure.

Mr. MORAN of Kansas. I continue to reserve the balance of my time.

Mr. INSLEE. Madam Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman from Washington.

I rise in support of this bipartisan legislation that will protect American jobs and ensure competitive fairness in the contract bid for the next aerial refueling tanker.

Madam Speaker, in May, the House voted overwhelmingly, 410–8, on a similar amendment to the defense authorization bill to require the Pentagon to take into account the illegal subsidies that have distorted this competition from day one.

The choice for the next-generation tanker contract is clear. We can give the contract to an American company, Boeing, and support an estimated 50,000-plus good, high-skilled jobs across this country, or we can give the contract to a European company, Airbus, thus creating tens of thousands of jobs in Europe. With unemployment where it is today, this should be a no-brainer.

In fact, since the last time this issue was brought to the floor, the WTO made a final ruling in the trade case brought by our government against the European Union. It ruled that billions of dollars in illegal European Government ''launch aid'' subsidies have been used by Airbus to develop every aircraft it has built. More than $5 billion of these subsidies made it possible for Airbus to launch the A330 it is offering for the tanker.

We need to ensure a fair, open, and transparent tanker competition. Our companies and our workers can compete against any in the world when there is a level playing field. I urge my colleagues to support this legislation ensuring that the Pentagon takes into account these illegal Airbus subsidies. We need to provide the best tanker for the Air Force, and we must not send these critical defense manufacturing jobs overseas.

Mr. MORAN of Kansas. Madam Speaker, once again, I reserve the balance of my time.

Mr. INSLEE. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman.

Madam Speaker, I join my colleagues by admitting that competition is good, and I rise in support of competition.

Yet I also recognize as a member of the Manufacturing Caucus that Americans are ready and clamoring to build, and they want to produce and create. As they do that with their sophisticated technology, they create jobs. So I believe it is unfair that when there is a competition that our companies, in fact in our own country at the Pentagon, are competing against those companies that are subsidized.

So I rise in support of this legislation, H.R. 6540, which does not in any way hamper the ability of the Pentagon to do its work, but indicates that we can build the KC-X Aerial Refueling Aircraft Program by a company that we have, in this instance Boeing, of which I am very familiar, having worked extensively with it in the NASA Human Space Exploration Program.

Let us build again. Let us manufacture again. Yes, we will create jobs, but we will create and reinforce the genius of our young people who are being trained and of those scientists who have created topnotch technology.

To be on the front lines, men and women who are in the United States military need the best equipment to be able to create jobs and bring manufacturing back in this country. We need to have the competitiveness and an even playing field. No subsidies. Boeing can do it. We need to have the Pentagon recognize that America is back in the saddle again. We are building quality products, and we need to be able to build the KC-X Aerial Refueling Aircraft.

Mr. MORAN of Kansas. I continue to reserve the balance of my time, Madam Speaker.

Mr. INSLEE. Madam Speaker, I want to put in a good word for my comrade in arms, TODD TIAHRT. He isn't with us right at the moment, but he did great work on this—he has had a great career—as well as Mr. LARSEN.

A couple of closing comments.

I come from a Boeing family. My uncle's cousins have worked with Boeing products from the 707, to the 737, to the 727, to the 747. Now they hope to work on the 767 tanker product. So this is a hometown team issue for me, but it is an international issue as to whether or not we are going to have rules when we compete with our friends across the pond, and we are happy to compete no matter what team we are on. This simply insists that America will follow the rules in a fair competition. It is the right thing to do.

So, in that regard, Madam Speaker, I will note that sometimes Congress reserves the best in its legislation and the best in its speakers pro tem for the last, and I think that this is the best in both ways.

I continue to reserve the balance of my time.

Mr. MORAN of Kansas. Madam Speaker, I appreciate very much the comments that have been made today on the House floor.

Economically, there is no more important issue in the State of Kansas than the success or at least the opportunity to have success in this contract bidding process. It has been a long time that we have been waiting, and I hope the gentleman who spoke earlier who indicated that we are on the verge of a decision is accurate. This would be a great development, not only for the people of our State but for the people of our country if we learn that there are jobs to be created and that there is a manufacturing base to be further developed in the United States.

I very much appreciate the gentleman from Washington's indication that this bill is about a level playing field. It is not about awarding the contract. It is about giving fairness to the bidding process.

I hope that we have the opportunity, if the Senate will also pass this legislation again on the verge of a decision, to once again remind the Department of Defense of their responsibility to the will, not only of Congress for a level playing, but to the rightness of this cause, to the sense of fairness, for the right of justice, and for building the opportunity of job creation in this country, not only today but tomorrow as well.

With that, Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

(Mr. MILLER of Florida asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Florida. I thank the gentleman for yielding.

Madam Speaker, I apologize to the House for being out of breath, but apparently this bill was brought up on the floor at the last minute and without anybody's knowledge. I don't know if it has been discussed, but I sit on the Armed Services Committee, and I would like to ask my friend from Kansas, if I may, Madam Speaker, Has the professional staff on the Armed Services Committee at all given their thoughts on the implication of this bill?

I can answer the question. I shouldn't have thrown it to you. The answer is ''no.''

The answer is ''no'' because it hasn't gone through regular order. This bill is not going through regular order. It is amazing to me that we are bringing something forward today, as you have been saying already, that has great implications to the national security of this country. The Armed Services Committee and the requisite subcommittees have not had an opportunity to talk about this particular piece of legislation.

□ 1100

We heard that this may come up last week. It didn't come up last week. Unfortunately, some of the Members who are very involved in this contracting issue had no idea this was coming to the floor today. I speak on their behalf. Some of those very Members are on airplanes flying to Washington, trying to come up here to be able to debate this particular piece of legislation.

But, again, it's business as usual for this House and in the waning days of the 111th Congress that we would bring pieces of legislation forward that impact Members all across this country, yet not give them the opportunity to come to the floor in a timely fashion and express their views.

I would urge my colleagues to vote against this particular piece of legislation.

Mr. MORAN of Kansas. I thank the gentleman for his comments.

I would point out to the House that an amendment to the defense authorization bill of a similar nature passed the House of Representatives by a vote of 408–10.

I would let the gentleman from Washington know that I have no other speakers and am prepared to close.

I reserve the balance of my time.

Mr. INSLEE. I just wanted to address Mr. MILLER's concern, wanted to advise him that we have been in discussions for the last several days with the current minority staff on the committee, who have all been well-advised about our intention to bring this in one way or another, either by UC or suspension, to the floor, and we've appreciated their cooperation in doing that.

I also want to advise Mr. MILLER that this is exactly the same language we did vote for, including the gentleman from Florida, in its previous incarnation in the Defense authorization bill. I hope that I can say this is a fairly noncontroversial issue in the House, and we hope that when the light of public interest is shone on the Senate that they will act on this as well on behalf of America.

Madam Speaker, I would reserve my time unless the gentleman has no further speakers.

Mr. MORAN of Kansas. I thank the gentleman from Washington for his comments today and look forward to this bill's passage. I encourage my colleagues to vote for it.

I, too, would like to recognize the work of my colleague from Kansas (Mr. TIAHRT) in his efforts on this topic over a long period of time and appreciate his leadership on behalf of the people of Kansas on this and many other issues.

Mr. HARPER. Madam Speaker, I was unable to participate during floor debate regarding H.R. 6540, The Defense Level Playing Field Act of 2010. I would like to place my statement into the RECORD:

It is now four days before Christmas and the Air Force is nearing completion of its evaluation of multiple offers to replace our aging tanker aircraft. We are in the ninth year of this effort to award a contract to replace the Air Force's existing tanker aircraft that have an average age of 50 years in service. I would remind my colleagues that we have airmen and airwomen of our Air Force risking their lives every day to perform the refueling mission across the globe in aircraft that were built and delivered when Dwight Eisenhower was President of the United States.

Why are we considering this legislation at this time? Do we dare take action on legislation, four days before Christmas, without proper Committee review, that will delay replacement of these aircraft? Are we being responsible to the men and women in uniform by bypassing completely the House Armed Services Committee? Are we, by considering adoption of this bill, creating a precedent for Congressional interference in an ongoing competition?

I would ask my colleagues—has anyone asked the Secretary of Defense if this legislation is needed? Has anyone asked Secretary Gates or the Chief of Staff of the Air Force how long it would further delay this contract award in the event it became law?

This House should not be here today, considering legislation of this kind without proper review and without full knowledge of its impact. The men and women serving in uniform, flying 50-year old aircraft, deserve better than to have this House—at the last stages of this competition—undertake an action which will further delay this contract moving forward.

Mr. MILLER of Florida. Madam Speaker, it is now four days before Christmas, and the United States Air Force is nearing completion of its evaluation of multiple offers for replacement tanker aircraft. We are now in the ninth year of effort to award a contract for the replacement of tanker aircraft that have an average age of 50 years in service. I would like to remind my colleagues that the men and women of our Air Force are risking their lives every day to perform the refueling mission across the globe in aircraft that were built and delivered when Ike Eisenhower was President of the United States!

How dare we take action, in the waning days of this Congress, without proper committee review, that will delay replacement of these aircraft? The men and women serving in uniform, flying 50-year old aircraft, deserve

better than to have this House—acting on behalf of one company, during the last stages of this competition—undertake an action, which will further delay this contract from moving forward.

I would ask my colleagues—has anyone asked the Secretary of Defense if this legislation is needed? Has anyone asked Secretary Gates or General Schwartz how long it would further delay this contract award in the event it becomes law? Are we, by considering adoption of this bill, creating a precedent for Congressional interference in an ongoing competition? It is absurd bringing this bill to the House floor while the impact of this legislation has yet to be reviewed and weighed.

This House should not be here today, considering legislation of this kind without proper review and without full knowledge of its impact. We certainly should not do so simply because one company—based in Washington State—thinks that they need to change the evaluation metrics at the last minute. If they have no airplane flying that can compete fairly, they should conduct their business better—and this House should refrain from interfering in an ongoing competition. I urge my colleagues to vote ''no'' on this amendment.

MR. MORAN of Kansas. I yield back the balance of my time

Mr. INSLEE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill, H.R. 6540.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS ACT

Mr. GEORGE MILLER of California. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6547) to amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited at the ''Protecting Students from Sexual and Violent Predators Act''.

SEC. 2. BACKGROUND CHECKS.

Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. BACKGROUND CHECKS.

''(a) BACKGROUND CHECKS.—Each State that receives funds under this Act shall have in effect policies and procedures that—

''(1) require that criminal background checks be conducted for school employees that include—

''(A) a search of the State criminal registry or repository in the State in which the school employee resides and each State in which such school employee previously resided;

''(B) a search of State-based child abuse and neglect registries and databases in the State in which the school employee resides and each State in which such school employee previously resided;

''(C) a search of the National Crime Information Center of the Department of Justice;

''(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(E) a search of the National Sex Offender Registry established under section 19 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

''(2) prohibit the employment of school employees for a position as a school employee if such individual—

''(A) refuses to consent to the criminal background check described in paragraph (1);

''(B) makes a false statement in connection with such criminal background check;

''(C) has been convicted of a felony consisting of—

''(i) homicide;

''(ii) child abuse or neglect;

''(iii) a crime against children, including child pornography;

''(iv) spousal abuse;

''(v) a crime involving rape or sexual assault;

''(vi) kidnapping;

''(vii) arson; or

''(viii) physical assault, battery, or a drug-related offense, committed within the past 5 years; or

''(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

''(3) require that a local educational agency or State educational agency that receives information from a criminal background check conducted under this section that an individual who has applied for employment with such agency as a school employee is a sexual predator report to local law enforcement that such individual has so applied;

''(4) require that the criminal background checks described in paragraph (1) be periodically repeated; and

''(5) provide for a timely process by which a school employee may appeal the results of a criminal background check conducted under this section to challenge the accuracy or completeness of the information produced by such background check and seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced by such background check, but that does not permit the school employee to be employed as a school employee during such process.

''(b) DEFINITIONS.—In this section:

''(1) SCHOOL EMPLOYEE.—The term 'school employee' means—

''(A) an employee of, or a person seeking employment with, a local educational agency or State educational agency, and who has a job duty that results in exposure to students; or

''(B) an employee of, or a person seeking employment with, a for-profit or nonprofit entity, or local public agency, that has a contract or agreement to provide services with a school, local educational agency, or State educational agency, and whose job duty—

''(i) is to provide such services; and

''(ii) results in exposure to students.

''(2) SEXUAL PREDATOR.—The term 'sexual predator' means a person 18 years of age or older who has been convicted of, or pled guilty to, a sexual offense against a minor.''.

SEC. 3. CONFORMING AMENDMENT.

Section 2 of the Elementary and Secondary Education Act of 1965 is amended by adding after the item relating to section 9536 the following:

''Sec. 9537. Background checks.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 6547 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Madam Speaker, I rise today on behalf of all children in our country. I rise for all parents who send their children to school with the understanding that their children will be safe.

Last week, the Committee on Education and Labor released a disturbing, outrageous report from the Government Accountability Office highlighting cases where convicted sexual offenders were working at schools. In 11 of the 15 cases, sexual offenders who were hired or retained by schools had previously targeted children, and in six of those cases, the sex offenders used their job to target and abuse more children, and this is unacceptable.

This report is frightening insight into what happens when rules aren't followed or simply aren't in place. It showed that in many cases comprehensive background checks could have easily prevented these crimes from occurring. It also showed that some school districts knowingly passed on a potential predator to another school district, allowing the offender to resign instead of reporting him or her. It is outrageous that a sexual or violent predator of children can be passed from school to school.

The Government Accountability Office found that school systems either did not have complete information or, perhaps worse, chose to ignore the problem or to make it worse by providing positive recommendations about the employee, knowing that they had abused children in their care. In many places, the current system of ensuring our students' safety is broken. It has huge gaps that are allowing our children to be vulnerable to sexual predators.

Madam Speaker, this Congress can do more to protect our children. The Protecting Students from Sexual and Violent Predators Act will help keep our

children safe in school by requiring States to take commonsense steps. First, schools will be required to comprehensively conduct background checks for any employees using State criminal and child abuse registries and the FBI's fingerprint database.

Second, schools will be prohibited from hiring or retaining anyone who has been convicted of certain violent crimes, including crimes against children, crimes involving rape or sexual assault, and child pornography.

This bill will prevent more children from being put in unsafe environments because the adults who are responsible for their well-being failed to do their jobs.

A 2004 Department of Education report estimated that millions of students are subjected to sexual misconduct by school employees at some time between kindergarten and the 12th grade. Coupled with the findings of last week's GAO report, it is very clear that this legislation is absolutely critical. Parents have a right to believe that their children are safe in schools, and schools have an obligation to fulfill that promise.

This bill is only part of the solution, but it is an important step forward. The GAO report sent shock waves through households across the country. We owe it to parents and to the children and to the honorable school officials who follow the rules to pass this legislation. We also owe it to them to send a strong message that people who abuse children or do not do their jobs to keep children safe will face serious consequences.

I hope that the next Congress will be able to take an even more comprehensive approach to protect children in our schools, and I urge all of my colleagues to support this legislation.

I reserve the balance of my time.

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

I rise today to support H.R. 6547, a bill to require background checks for all public school employees. H.R. 6547 is designed to ensure States using Federal taxpayer resources to fund education are taking the necessary steps to ensure individuals with a history of criminal behavior are not able to slip through the cracks and be placed in positions of trust within our schools.

The bill requires States to have policies in place to conduct a check of the State criminal registry, a State-based registry of child abuse and neglect, the National Crime Information Center, an FBI fingerprint check, and a search of the National Sex Offender Registry on all public school employees in order to receive Federal funds under the Elementary and Secondary Education Act. The State-based checks must also be run for all States where an employee or prospective employee had previously resided.

Every Member of this Chamber wants to protect students from harm, and there is no excuse for schools not doing everything they can to ensure the safety of children in their care.

□ 1110

In fact, Congress has already acted on this issue by ensuring schools have access to national background checks in the Safe Schools Act, which was signed into law as part of the Adam Walsh Child Protection and Safety Act of 2006. This was a bill that was worked on in a bipartisan manner and passed by voice vote in both Chambers.

Unfortunately, the majority has chosen a different approach with the bill before us today. Instead of holding hearings or scheduling a markup to thoroughly discuss and vet this issue, they are rushing this bill to the floor for quick consideration at the end of Congress. This is not the best way to craft thoughtful legislation. But, despite our concerns about legislative process, we all agree that our students must be protected from sexual predators in their schools. And, therefore, I urge my colleagues to support this bill.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I would quickly say that I would like to thank the gentlelady from Illinois for her cooperation on this. I know this isn't the best process, but at the end of the session, having the Government Accountability Office report land on our desk on our watch, I felt it was important that we pass this legislation today to clearly send a very strong message to school districts across the country that they have to meet their responsibility to keep our children safe during school hours. I urge my colleagues to support this legislation.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of the H.R. 6547, "Protecting Students from Sexual and Violent Predators Act." The Protecting Students from Sexual and Violent Predators Act amends the Elementary and Secondary Education Act of 1965 to require each state receiving funds under that Act to have in effect policies and procedures that: (1) require criminal background checks for school employees, including searches of state criminal registries or repositories, state-based child abuse and neglect registries and databases, the National Crime Information Center of the Department of Justice, the National Sex Offender Registry, and the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation (FBI); and (2) prohibit the employment of school employees who refuse to consent to a criminal background check, make false statements in connection with one, or have been convicted of one of a list of felonies.

H.R. 6547 requires local educational agencies (LEAs) or state educational agencies (SEAs) to report to local law enforcement any applicants for school employment who are discovered to be sexual predators. This legislation requires periodic repetitions of such criminal background checks. It further requires such states to provide for a timely process under which school employees may: (1) appeal the results of a criminal background check to challenge the accuracy or completeness of the information produced; and (2) seek appropriate relief for any final employment decision based on materially inaccurate or incomplete information produced. H.R. 6547 requires this appeals process, however, to deny the individual employment as a school employee during the process.

What makes our Nation great is the belief that every child has the right to a quality elementary and secondary education. Children truly represent the future of our country. They are our living national treasures. Yet they are one of our populations that are least capable of protecting themselves. So, it is our duty to do all we can to provide them with a safe learning environment, free from the menacing threat of sexual and violent predators. This legislation takes a positive step toward making safer school environments a reality by requiring background checks for school employees and prohibiting employment of persons who refuse to submit to a criminal background check.

I have always been a strong advocate of protecting our children from sexual predators. I introduced similar legislation in H.R. 288, the "Save Our Children: Stop the Predators Against Children DNA Act of 2009." I believe H.R. 6547, which we are privileged to consider now will provide an important measure of protection for our children from the horrors of sexual and violent predators that we hear about all too frequently in the news. Parents should be able to send their children to school in the morning and know that they will be safe. Children should be able to enjoy their time of innocence and the wonderment of learning without worrying that undue harm to come to them or their classmates. So, I ask my colleagues to stand with me today and vote in favor of the H.R. 6547, "Protecting Students from Sexual and Violent Predators Act."

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6547.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY ACT OF 2010

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (S. 118) to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Section 202 Supportive Housing for the Elderly Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—NEW CONSTRUCTION REFORMS

SEC. 101. SELECTION CRITERIA.

Section 202(f)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(f)(1)) is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph:

''(F) the extent to which the applicant has ensured that a service coordinator will be employed or otherwise retained for the housing, who has the managerial capacity and responsibility for carrying out the actions described in subparagraphs (A) and (B) of subsection (g)(2);''.

SEC. 102. DEVELOPMENT COST LIMITATIONS.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended, in the matter preceding subparagraph (A), by inserting ''reasonable'' before ''development cost limitations''.

SEC. 103. OWNER DEPOSITS.

Section 202(j)(3)(A) of the Housing Act of 1959 (12 U.S.C. 1701q(j)(3)(A)) is amended by inserting after the period at the end the following: ''Such amount shall be used only to cover operating deficits during the first 3 years of operations and shall not be used to cover construction shortfalls or inadequate initial project rental assistance amounts.''.

SEC. 104. DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended to read as follows:

''(4) The term 'private nonprofit organization' means—

''(A) any incorporated private institution or foundation—

''(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

''(ii) which has a governing board—

''(I) the membership of which is selected in a manner to assure that there is significant representation of the views of the community in which such housing is located; and

''(II) which is responsible for the operation of the housing assisted under this section, except that, in the case of a nonprofit organization that is the sponsoring organization of multiple housing projects assisted under this section, the Secretary may determine the criteria or conditions under which financial, compliance and other administrative responsibilities exercised by a single-entity private nonprofit organization that is the owner corporation responsible for the operation of an individual housing project may be shared or transferred to the governing board of such sponsoring organization; and

''(iii) which is approved by the Secretary as to financial responsibility; and

''(B) a for-profit limited partnership the sole general partner of which is—

''(i) an organization meeting the requirements under subparagraph (A);

''(ii) a for-profit corporation wholly owned and controlled by one or more organizations meeting the requirements under subparagraph (A); or

''(iii) a limited liability company wholly owned and controlled by one or more organizations meeting the requirements under subparagraph (A).''.

SEC. 105. NONMETROPOLITAN ALLOCATION.

Paragraph (3) of section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)(3)) is amended by inserting after the period at the end the following: ''In complying with this paragraph, the Secretary shall either operate a national competition for the nonmetropolitan funds or make allocations to regional offices of the Department of Housing and Urban Development.''.

TITLE II—REFINANCING

SEC. 201. APPROVAL OF PREPAYMENT OF DEBT.

Subsection (a) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) in the matter preceding paragraph (1), by inserting '', for which the Secretary's consent to prepayment is required,'' after ''Affordable Housing Act)'';

(2) in paragraph (1)—

(A) by inserting ''at least 20 years following'' before ''the maturity date'';

(B) by inserting ''project-based'' before ''rental assistance payments contract'';

(C) by inserting ''project-based'' before ''rental housing assistance programs''; and

(D) by inserting '', or any successor project-based rental assistance program,'' after ''1701s))'';

(3) by amending paragraph (2) to read as follows:

''(2) the prepayment may involve refinancing of the loan if such refinancing results in—

''(A) a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

''(B) a transaction in which the project owner will address the physical needs of the project, but only if, as a result of the refinancing—

''(i) the rent charges for unassisted families residing in the project do not increase or such families are provided rental assistance under a senior preservation rental assistance contract for the project pursuant to subsection (e); and

''(ii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

''(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

''(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)); and''; and

(4) by adding at the end the following:

''(3) notwithstanding paragraph (2)(A), the prepayment and refinancing authorized pursuant to paragraph (2)(B) involves an increase in debt service only in the case of a refinancing of a project assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower.''.

SEC. 202. USE OF UNEXPENDED AMOUNTS.

Subsection (c) of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking ''USE OF UNEXPENDED AMOUNTS.—'' and inserting ''USE OF PROCEEDS.—'';

(2) by amending the matter preceding paragraph (1) to read as follows: ''Upon execution of the refinancing for a project pursuant to this section, the Secretary shall ensure that proceeds are used in a manner advantageous to tenants of the project, or are used in the provision of affordable rental housing and related social services for elderly persons that are tenants of the project or are tenants of other HUD-assisted senior housing by the private nonprofit organization project owner, private nonprofit organization project sponsor, or private nonprofit organization project developer, including—'';

(3) by amending paragraph (1) to read as follows:

''(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services, except that upon the request of the non-profit owner, sponsor, or organization and determination of the Secretary, such 15 percent limitation may be waived to ensure that the use of unexpended amounts better enables seniors to age in place;'';

(4) in paragraph (2), by inserting before the semicolon the following; '', including reducing the number of units by reconfiguring units that are functionally obsolete, unmarketable, or not economically viable'';

(5) in paragraph (3), by striking ''or'' at the end;

(6) in paragraph (4), by striking ''according to a pro rata allocation of shared savings resulting from the refinancing.'' and inserting a semicolon; and

(7) by adding at the end the following new paragraphs:

''(5) rehabilitation of the project to ensure long-term viability; and

''(6) the payment to the project owner, sponsor, or third party developer of a developer's fee in an amount not to exceed or duplicate—

''(A) in the case of a project refinanced through a State low income housing tax credit program, the fee permitted by the low income housing tax credit program as calculated by the State program as a percentage of acceptable development cost as defined by that State program; or

''(B) in the case of a project refinanced through any other source of refinancing, 15 percent of the acceptable development cost. For purposes of paragraph (6)(B), the term 'acceptable development cost' shall include, as applicable, the cost of acquisition, rehabilitation, loan prepayment, initial reserve deposits, and transaction costs.''.

SEC. 203. USE OF PROJECT RESIDUAL RECEIPTS.

Paragraph (1) of section 811(d) of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended—

(1) by striking ''not more than 15 percent of''; and

(2) by inserting before the period at the end the following: ''or other purposes approved by the Secretary''.

SEC. 204. ADDITIONAL PROVISIONS.

Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by adding at the end the following new subsections:

''(e) SENIOR PRESERVATION RENTAL ASSISTANCE CONTRACTS.—Notwithstanding any other provision of law, in connection with a prepayment plan for a project approved under subsection (a) by the Secretary or as otherwise approved by the Secretary to prevent displacement of elderly residents of the project in the case of refinancing or recapitalization and to further preservation and affordability of such project, the Secretary shall provide project-based rental assistance for the project under a senior preservation rental assistance contract, as follows:

''(1) Assistance under the contract shall be made available to the private nonprofit organization owner—

''(A) for a term of at least 20 years, subject to annual appropriations; and

''(B) under the same rules governing project-based rental assistance made available under section 8 of the Housing Act of 1937 or under the rules of such assistance as may be made available for the project.

''(2) Any projects for which a senior preservation rental assistance contract is provided shall be subject to a use agreement to ensure continued project affordability having a term of the longer of (A) the term of the senior preservation rental assistance contract, or (B) such term as is required by the new financing.

''(f) SUBORDINATION OR ASSUMPTION OF EXISTING DEBT.—In lieu of prepayment under this section of the indebtedness with respect to a project, the Secretary may approve—

''(1) in connection with new financing for the project, the subordination of the loan for the project under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act) and the continued subordination of any other existing subordinate debt previously approved by the Secretary to facilitate preservation of the project as affordable housing; or

''(2) the assumption (which may include the subordination described in paragraph (1)) of the loan for the project under such section 202 in connection with the transfer of the project with such a loan to a private nonprofit organization.

''(g) FLEXIBLE SUBSIDY DEBT.—The Secretary shall waive the requirement that debt for a project pursuant to the flexible subsidy program under section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) be prepaid in connection with a prepayment, refinancing, or transfer under this section of a project if the financial transaction or refinancing cannot be completed without the waiver.

''(h) TENANT INVOLVEMENT IN PREPAYMENT AND REFINANCING.—The Secretary shall not accept an offer to prepay the loan for any project under section 202 of the Housing Act of 1959 unless the Secretary—

''(1) has determined that the owner of the project has notified the tenants of the owner's request for approval of a prepayment; and

''(2) has determined that the owner of the project has provided the tenants with an opportunity to comment on the owner's request for approval of a prepayment, including on the description of any anticipated rehabilitation or other use of the proceeds from the transaction, and its impacts on project rents, tenant contributions, or the affordability restrictions for the project, and that the owner has responded to such comments in writing.

''(i) DEFINITION OF PRIVATE NONPROFIT ORGANIZATION.—For purposes of this section, the term 'private nonprofit organization' has the meaning given such term in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k)).''.

TITLE III—ASSISTED LIVING FACILITIES AND SERVICE-ENRICHED HOUSING

SEC. 301. AMENDMENTS TO THE GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

(a) TECHNICAL AMENDMENT.—The section heading for section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) is amended by inserting ''and other purposes'' after ''assisted living facilities''.

(b) EXTENSION OF GRANT AUTHORITY.—Section 202b(a)(2) of the Housing Act of 1959 (12 U.S.C. 1701q–2(a)(2)) is amended—

(1) by striking ''(2) CONVERSION.—Activities'' and inserting the following:

''(2) CONVERSION.—

''(A) ASSISTED LIVING FACILITIES.—Activities''; and

(2) by adding at the end the following:

''(B) SERVICE-ENRICHED HOUSING.—Activities designed to convert dwelling units in the eligible project to service-enriched housing for elderly persons.''.

(c) AMENDMENT TO APPLICATION PROCESS.—Section 202b(c)(1) of the Housing Act of 1959 (12 U.S.C. 1701q–2(c)(1)) is amended by inserting ''for either an assisted living facility or service-enriched housing'' after ''activities''.

(d) REQUIREMENTS FOR SERVICES.—Section 202b(d) of the Housing Act of 1959 (12 U.S.C. 1701q–2(d)) is amended to read as follows:

''(d) REQUIREMENTS FOR SERVICES.—

''(1) SUFFICIENT EVIDENCE OF FIRM FUNDING COMMITMENTS.—The Secretary may not make a grant under this section for conversion activities unless an application for a grant submitted pursuant to subsection (c) contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility or service-enriched housing, which may be provided by third parties.

''(2) REQUIRED EVIDENCE.—The Secretary shall require evidence that each recipient of a grant for service-enriched housing under this section provides relevant and timely disclosure of information to residents or potential residents of such housing relating to—

''(A) the services that will be available at the property to each resident, including—

''(i) the right to accept, decline, or choose such services and to have the choice of provider;

''(ii) the services made available by or contracted through the grantee;

''(iii) the identity of, and relevant information for, all agencies or organizations providing any services to residents, which agencies or organizations shall provide information regarding all procedures and requirements to obtain services, any charges or rates for the services, and the rights and responsibilities of the residents related to those services;

''(B) the availability, identity, contact information, and role of the service coordinator; and

''(C) such other information as the Secretary determines to be appropriate to ensure that residents are adequately informed of the services options available to promote resident independence and quality of life.''.

(e) AMENDMENTS TO SELECTION CRITERIA.—Section 202b(e) of the Housing Act of 1959 (12 U.S.C. 1701q–2(e)) is amended—

(1) in paragraph (2)—

(A) by inserting ''or service-enriched housing'' after ''facilities''; and

(B) by inserting ''service-enriched housing'' after ''facility'';

(2) in paragraph (5), by inserting ''or service-enriched housing'' after ''facility''; and

(3) in paragraph (6), by inserting ''or service-enriched housing'' after ''facility''.

(f) AMENDMENTS TO SECTION 8 PROJECT-BASED ASSISTANCE.—Section 202b(f) of the Housing Act of 1959 (12 U.S.C. 1701q–2(f)) is amended—

(1) in paragraph (1), by inserting ''or service-enriched housing'' after ''facilities'' each time that term appears; and

(2) in paragraph (2), by inserting ''or service-enriched housing'' after ''facility''.

(g) AMENDMENTS TO DEFINITIONS.—Section 202b(g) of the Housing Act of 1959 (12 U.S.C. 1701q–2(g)) is amended to read as follows:

''(g) DEFINITIONS.—For purposes of this section—

''(1) the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (1715w(b));

''(2) the term 'service-enriched housing' means housing that—

''(A) makes available through licensed or certified third party service providers supportive services to assist the residents in carrying out activities of daily living, such as bathing, dressing, eating, getting in and out of bed or chairs, walking, going outdoors, using the toilet, laundry, home management, preparing meals, shopping for personal items, obtaining and taking medication, managing money, using the telephone, or performing light or heavy housework, and which may make available to residents home health care services, such as nursing and therapy;

''(B) includes the position of service coordinator, which may be funded as an operating expense of the property; ;

''(C) provides separate dwelling units for residents, each of which contains a full kitchen and bathroom and which includes common rooms and other facilities appropriate for the provision of supportive services to the residents of the housing; and

''(D) provides residents with control over health care and supportive services decisions, including the right to accept, decline, or choose such services, and to have the choice of provider; and

''(3) the definitions in section 1701(q)(k) of this title shall apply.''.

SEC. 302. MONTHLY ASSISTANCE PAYMENT UNDER RENTAL ASSISTANCE.

Clause (iii) of section 8(o)(18)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(18)(B)(iii)) is amended by inserting before the period at the end the following: '', except that a family may be required at the time the family initially receives such assistance to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such an amount or percentage that is reasonable given the services and amenities provided and as the Secretary deems appropriate.''.

TITLE IV—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 401. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Massachusetts (Mr. LYNCH) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of the Section 202 Supportive Housing for the Elderly Act of 2010. I would like to start by thanking Chairman FRANK and Senator HERB KOHL for their efforts on this bill and their dedication to America's seniors. This legislation simply brings HUD's section 202 program, part of our Nation's safety net for the low-income elderly for nearly 50 years, into the 21st century.

Supportive housing of the type funded by section 202 is an effective and cost-efficient program for low-income elderly. Section 202 grants combine high-quality, affordable housing with service coordinators who connect tenants with health, income support, and other community-based services. This produces positive outcomes for the health and quality of life of elderly tenants.

Section 202's housing plus services model extends how long seniors can live independently. This turns out to be cost effective as well, given the alternatives of nursing home care coupled with frequent hospitalizations. However, it is clear that HUD needs to streamline administration of this program to reflect a new financing reality.

The section 202 program was originally designed to be a one-stop shop for nonprofits to cover their entire project costs—that is capital, operating, and supportive services. Due to funding constraints, HUD's 202 grants no longer do so, especially in high-cost areas like my home State of Massachusetts. This requires nonprofit sponsors to access other sources of financing such as low-income housing tax credits.

The bill before us today addresses these concerns while taking into account HUD's legitimate interest in maintaining oversight of its substantial investment in section 202 projects. Senate 118 requires HUD to take advantage of State and local housing finance agencies' better positioning to process mixed finance applications. It also enables nonprofit sponsors to share more fully in the proceeds of refinancing opportunities that are now available in the private sector that some older 202 projects have, so those sponsors can make needed improvements to existing projects and develop desperately needed additional senior housing.

For all of these reasons, I urge my colleagues to vote ''yes'' on S. 118.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I yield myself such time as I may consume.

I rise in support of S. 118, the Section 202 Supportive Housing for the Elderly Act of 2009. As my colleague has said, the bill reforms the section 202 elderly housing program making it more efficient and more effective and better able to meet the housing needs of our elderly. S. 118 is similar to H.R. 2930 that passed the House in the 110th Congress by voice vote.

Affordable housing with supportive services is a key component for seniors who want to stay in their own home and age in place. The section 202 Housing for the Elderly program is the primary HUD program that provides housing exclusively for low-income elderly households. The section 202 program has been a very important tool in addressing these housing needs by providing capital advance grants to nonprofit housing sponsors to build new elderly housing facilities and project rental assistance contracts to subsidize very low-income elderly citizens of these facilities.

Many nonprofit sponsors are faith-based organizations with an exclusive mission to serve the elderly. As a condition of receiving a capital advance, which does not have to be repaid, a nonprofit sponsor must make housing available for a period no less than 40 years. As a result of these efforts, the section 202 program currently supplies 320,000 units of housing for our very low-income elderly citizens.

I am very pleased to see that the language that I worked on in the 110th Congress remains in the bill. My provision would help resolve a problem that nonmetro States, like my home State of West Virginia, have experienced when attempting to qualify for funds through the section 202 program. It is important to recognize, of course, that the need for housing for the very low-income elderly extends to nonmetro areas. The very low-income elderly of rural West Virginia deserve the same resources that are available to the elderly living in larger cities.

Participants and developers of the section 202 program maintain that the current regulation and HUD administration of the program can be time-consuming and bureaucratic. S. 118 will improve the section 202 elderly housing program by streamlining and simplifying the development and preservation of HUD's section 202 properties, and by increasing participation by not-for-profit developers, private lenders, investors, and State and local funding agencies.

Madam Speaker, the need for affordable rental housing in America has an effect on renters of all ages, especially our seniors, and this bill will help ease some of the affordability problems for our senior population. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, I want to thank my good friend from Massachusetts for his leadership and his co-manager on the floor for her insightfulness on this legislation and, as well, to Senator KOHL.

I rise in support of S. 118 because so many of us have these very questions being raised in our district, particularly with populations of seniors increasing. My district happens to have one of the highest percentages of senior constituents, and all of them seem to be looking for housing.

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I support the underlying initiative, section 202 housing. I have a number of those units in my congressional district. But one of the points that I wanted to highlight is the fact that many of these facilities are falling in disrepair. Even though there are some new facilities—and by my rising to the floor of the House, I would like to encourage my constituents and all those who are listening about how important it is to institute section 202 proposals or projects. They are enormously important, and I think it is important that the provision that encourages the utilization of State and local housing financing agencies is an asset.

One of the most important parts of this legislation is for the nonprofits who engage in 202 to be engaged or share more in the refinancing of these projects. The Heights House in my district, for example, is one that has a very vibrant population of residents who are there, but I know that all who are involved would like to see that property improved and those resources used to ensure that upkeep is continued. In many instances, the owners or nonprofits will say that the return on the property is not enough to keep it at its highest level.

Although we appreciate these properties and we appreciate the idea of these seniors having a place to live, I think that this particular legislation will reinforce section 202 and add to the 320,000 units already there. Our senior population is growing. Many of them have resources, but many do not. And I think the 202 project under HUD is an important concept to provide more housing for our seniors. They deserve, after working and contributing to this great country, the opportunity to live a very good quality of life.

With that, I ask my colleagues to support this legislation, and I thank the gentleman for yielding.

Mrs. CAPITO. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Mrs. BIGGERT), a housing advocate and the upcoming chair of the new subcommittee.

Mrs. BIGGERT. I thank the gentlelady for yielding.

Madam Speaker, I rise today as the Republican cosponsor of the House

version of this legislation, H.R. 2930, which was first introduced during the 110th Congress, and I urge my colleagues to support today's bill, Senate 118, the Section 202 Supportive Housing for the Elderly Act. I would also like to thank Chairman FRANK and Ranking Members BACHUS and CAPITO for their work on this legislation. I would also like to thank our Senate counterpart, Senator KOHL of Wisconsin.

Madam Speaker, the section 202 program is the only Federal housing program that directs housing assistance to low-income seniors. And it has already been stressed, but it can't be stressed enough, that it has not been reformed in over a decade and a half. The reforms offered in today's bill will help increase the number of units available to our seniors, a population that is increasing greatly in numbers as the baby boomer generation retires.

In short, the bill will allow a variety of funding sources to be pooled together with section 202 funding to fund housing for seniors. By increasing program efficiencies, the bill will make it easier for section 202 projects to be refinanced and rehabilitated. It will also make it easier for owners to convert properties into those that provide both housing and services for the low-income seniors.

Again, I would like to thank my colleagues for their work on this legislation. And I would also like especially to thank my constituent Mike Frigo, the vice president of Mayslake, which is located in my district, who testified in support of section 202 reform legislation in September 2007. In December 2007, by voice vote, the House passed H.R. 2930, which is similar to the bill under consideration today. So I would urge my colleagues to support the bill.

Mr. LYNCH. Madam Speaker, I have no further requests for time on this side on this issue, but I do want to take an opportunity to thank Mrs. BIGGERT, the gentlelady from Illinois, and Mrs. CAPITO, the gentlelady from West Virginia, for their great work on this bill.

I have—and I'm sure we all have—a number of section 202 developments in our districts. I have plenty, and they serve our low-income seniors extremely well and it really is a program that does improve the quality of life for a lot of our seniors. So I thank the gentleladies for their cooperation.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I have no further requests for time. I want to thank the gentleman from Massachusetts for his good hard work, and I encourage my colleagues to support the bill.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, S. 118.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2010

Mr. MURPHY of Connecticut. Madam Speaker, I move to suspend the rules and pass the bill (S. 1481) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Frank Melville Supportive Housing Investment Act of 2010''.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, section 811 or any other provision of section 811, the reference shall be considered to be made to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

SEC. 2. TENANT-BASED RENTAL ASSISTANCE.

(a) RENEWAL THROUGH SECTION 8.—Section 811(d)(4) is amended to read as follows:

''(4) TENANT-BASED RENTAL ASSISTANCE.—

''(A) IN GENERAL.—Tenant-based rental assistance provided under subsection (b)(1) shall be provided under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).

''(B) CONVERSION OF EXISTING ASSISTANCE.—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities an amount not less than the amount necessary to convert the number of authorized vouchers and funding under an annual contributions contract in effect on the date of enactment of the Frank Melville Supportive Housing Investment Act of 2010. Such converted vouchers may be administered by the entity administering the vouchers prior to conversion. For purposes of administering such converted vouchers, such entities shall be considered a 'public housing agency' authorized to engage in the operation of tenant-based assistance under section 8 of the United States Housing Act of 1937.

''(C) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.''.

(b) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary is authorized to the extent amounts are made available in future appropriations Acts, to provide technical assistance to public housing agencies and other administering entities to facilitate using vouchers to provide permanent supportive housing for persons with disabilities, help States reduce reliance on segregated restrictive settings for people with disabilities to meet community care requirements, end chronic homelessness, as ''chronically homeless'' is defined in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361), and for other related purposes.

SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting ''(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—'' after ''PROJECT RENTAL ASSISTANCE.—'';

(B) in the first sentence, by inserting after ''shall'' the following: ''comply with subsection (e)(2) and shall'';

(C) by striking ''annual contract amount'' each place such term appears and inserting ''amount provided under the contract for each year covered by the contract''; and

(D) by adding at the end the following new subparagraph:

''(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

''(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, subject to the availability of amounts made available in appropriation Acts, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, including adequate reserves and service coordinators as appropriate, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

''(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.''.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: '', except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not less than 360 months and shall provide funding for a term of 60 months''; and

(B) by striking ''extend any expiring contract'' and insert ''upon expiration of a contract (or any renewed contract), renew such contract''.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: ''PROGRAM REQUIREMENTS'';

(B) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE RESTRICTIONS.—

''(A) TERM.—Any project for which a capital advance is provided under subsection (d)(1) shall be operated for not less than 40 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary and shall, during such period, be made available for occupancy only by very low-income persons with disabilities.

''(B) CONVERSION.—If the owner of a project requests the use of the project for the direct benefit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the

owner to convert the project to such use.''; and

(C) by adding at the end the following new paragraphs:

''(3) LIMITATION ON USE OF FUNDS.—No assistance received under this section (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist persons with disabilities.

''(4) MULTIFAMILY PROJECTS.—

''(A) LIMITATION.—Except as provided in subparagraph (B), of the total number of dwelling units in any multifamily housing project (including any condominium or cooperative housing project) containing any unit for which assistance is provided from a capital grant under subsection (d)(1) made after the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2010, the aggregate number that are used for persons with disabilities, including supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any project that is a group home or independent living facility.''; and

(2) in subsection (l), by striking paragraph (4).

(c) DELEGATED PROCESSING.—Subsection (g) of section 811 (42 U.S.C. 8013(g)) is amended—

(1) by striking ''SELECTION CRITERIA.—'' and inserting ''SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—'';

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively; and

(3) by adding at the end the following new paragraph:

''(2) DELEGATED PROCESSING.—

''(A) In issuing a capital advance under subsection (d)(1) for any multifamily project (but not including any project that is a group home or independent living facility) for which financing for the purposes described in the last sentence of subsection (b) is provided by a combination of the capital advance and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

''(i) is in geographic proximity to the property;

''(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

''(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

''(iv) agrees to issue a firm commitment within 12 months of delegation.

''(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency is sufficiently qualified to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

''(C) The Secretary shall—

''(i) develop criteria and a timeline to periodically assess the performance of State and local housing agencies in carrying out the duties delegated to such agencies pursuant to subparagraph (A); and

''(ii) retain the authority to review and process projects financed by a capital advance in the event that, after a review and assessment, a State or local housing agency is determined to have failed to satisfy the criteria established pursuant to clause (i).

''(D) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

''(E) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.''.

(d) LEVERAGING OTHER RESOURCES.—Paragraph (1) of section 811(g) (as so designated by subsection (c)(1) of this section) is amended by inserting after subparagraph (E) (as so redesignated by subsection (c)(2) of this section) the following new subparagraph:

''(F) the extent to which the per-unit cost of units to be assisted under this section will be supplemented with resources from other public and private sources;''.

(e) TENANT PROTECTIONS AND ELIGIBILITY FOR OCCUPANCY.—Section 811 is amended by striking subsection (i) and inserting the following new subsection:

''(i) ADMISSION AND OCCUPANCY.—

''(1) TENANT SELECTION.—

''(A) PROCEDURES.—An owner shall adopt written tenant selection procedures that are satisfactory to the Secretary as (i) consistent with the purpose of improving housing opportunities for very low-income persons with disabilities; and (ii) reasonably related to program eligibility and an applicant's ability to perform the obligations of the lease. Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

''(B) REQUIREMENT FOR OCCUPANCY.—Occupancy in dwelling units provided assistance under this section shall be available only to persons with disabilities and households that include at least one person with a disability.

''(C) AVAILABILITY.—Except only as provided in subparagraph (D), occupancy in dwelling units in housing provided with assistance under this section shall be available to all persons with disabilities eligible for such occupancy without regard to the particular disability involved.

''(D) LIMITATION ON OCCUPANCY.—Notwithstanding any other provision of law, the owner of housing developed under this section may, with the approval of the Secretary, limit occupancy within the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

''(2) TENANT PROTECTIONS.—

''(A) LEASE.—The lease between a tenant and an owner of housing assisted under this section shall be for not less than one year, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

''(B) TERMINATION OF TENANCY.—An owner may not terminate the tenancy or refuse to renew the lease of a tenant of a rental dwelling unit assisted under this section except—

''(i) for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause; and

''(ii) by providing the tenant, not less than 30 days before such termination or refusal to renew, with written notice specifying the grounds for such action.

''(C) VOLUNTARY PARTICIPATION IN SERVICES.—A supportive service plan for housing assisted under this section shall permit each resident to take responsibility for choosing and acquiring their own services, to receive any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.''.

(f) DEVELOPMENT COST LIMITATIONS.—Subsection (h) of section 811 is amended—

(1) in paragraph (1)—

(A) by striking the paragraph heading and inserting ''GROUP HOMES'';

(B) in the first sentence, by striking ''various types and sizes'' and inserting ''group homes'';

(C) by striking subparagraph (E); and

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(2) in paragraph (3), by inserting ''established pursuant to paragraph (1)'' after ''cost limitation''; and

(3) by adding at the end the following new paragraph:

''(6) APPLICABILITY OF HOME PROGRAM COST LIMITATIONS.—

''(A) IN GENERAL.—The provisions of section 212(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(e)) and the cost limits established by the Secretary pursuant to such section with respect to the amount of funds under subtitle A of title II of such Act that may be invested on a per unit basis, shall apply to supportive housing assisted with a capital advance under subsection (d)(1) and the amount of funds under such subsection that may be invested on a per unit basis.

''(B) WAIVERS.—The Secretary may provide for waiver of the cost limits applicable pursuant to subparagraph (A)—

''(i) in the cases in which the cost limits established pursuant to section 212(e) of the Cranston-Gonzalez National Affordable Housing Act may be waived; and

''(ii) to provide for—

''(I) the cost of special design features to make the housing accessible to persons with disabilities;

''(II) the cost of special design features necessary to make individual dwelling units meet the special needs of persons with disabilities; and

''(III) the cost of providing the housing in a location that is accessible to public transportation and community organizations that provide supportive services to persons with disabilities.''.

(g) CONGRESSIONAL NOTIFICATION OF WAIVER.—Section 811(k) is amended—

(1) in paragraph (1), by adding the following after the second sentence: ''Not later than the date of the exercise of any waiver permitted under the previous sentence, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of the waiver or the intention to exercise the waiver, together with a detailed explanation of the reason for the waiver.''; and

(2) in paragraph (4)—

(A) by striking ''prescribe, subject to the limitation under subsection (h)(6) of this section)'' and inserting ''prescribe)''; and

(B) by adding the following after the first sentence: ''Not later than the date that the Secretary prescribes a limit exceeding the 24 person limit in the previous sentence, the Secretary shall notify the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial

Services of the House of Representatives of the limit or the intention to prescribe a limit in excess of 24 persons, together with a detailed explanation of the reason for the new limit.''.

(h) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—Paragraph (1) of section 811(l) is amended to read as follows:

''(1) MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.—The Secretary shall establish a minimum percentage of the amount made available for each fiscal year for capital advances under subsection (d)(1) that shall be used for multifamily projects subject to subsection (e)(4).''.

SEC. 4. PROJECT RENTAL ASSISTANCE.

Section 811(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''is authorized—'' and inserting ''is authorized to take the following actions:'';

(2) in paragraph (1)—

(A) by striking ''(1) to provide tenant-based'' and inserting ''(1) TENANT-BASED ASSISTANCE.—To provide tenant-based''; and

(B) by striking ''; and'' and inserting a period;

(3) in paragraph (2), by striking ''(2) to provide assistance'' and inserting ''(2) CAPITAL ADVANCES.—To provide assistance''; and

(4) by adding at the end the following:

''(3) PROJECT RENTAL ASSISTANCE.—

''(A) IN GENERAL.—To offer additional methods of financing supportive housing for non-elderly adults with disabilities, the Secretary shall make funds available for project rental assistance pursuant to subparagraph (B) for eligible projects under subparagraph (C). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary. The Secretary may not require any State housing finance agency or other entity applying for such project rental assistance funds to identify in such application the eligible projects for which such funds will be used, and shall allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in subparagraph (C)(ii).

''(B) CONTRACT TERMS.—

''(i) CONTRACT TERMS.—Project rental assistance under this paragraph shall be provided—

''(I) in accordance with subsection (d)(2); and

''(II) under a contract having an initial term of not less than 180 months that provides funding for a term 60 months, which funding shall be renewed upon expiration, subject to the availability of sufficient amounts in appropriation Acts.

''(ii) LIMITATION ON UNITS ASSISTED.—Of the total number of dwelling units in any multifamily housing project containing any unit for which project rental assistance under this paragraph is provided, the aggregate number that are provided such project rental assistance, that are used for supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

''(iii) PROHIBITION OF CAPITAL ADVANCES.—The Secretary may not provide a capital advance under subsection (d)(1) for any project for which assistance is provided under this paragraph.

''(iv) ELIGIBLE POPULATION.—Project rental assistance under this paragraph may be provided only for dwelling units for extremely low-income persons with disabilities and extremely low-income households that include at least one person with a disability.

''(C) ELIGIBLE PROJECTS.—An eligible project under this subparagraph is a new or existing multifamily housing project for which—

''(i) the development costs are paid with resources from other public or private sources; and

''(ii) a commitment has been made—

''(I) by the applicable State agency responsible for allocation of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986, for an allocation of such credits;

''(II) by the applicable participating jurisdiction that receives assistance under the HOME Investment Partnership Act, for assistance from such jurisdiction; or

''(III) by any Federal agency or any State or local government, for funding for the project from funds from any other sources.

''(D) STATE AGENCY INVOLVEMENT.—Assistance under this paragraph may be provided only for projects for which the applicable State agency responsible for health and human services programs, and the applicable State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act, have entered into such agreements as the Secretary considers appropriate—

''(i) to identify the target populations to be served by the project;

''(ii) to set forth methods for outreach and referral; and

''(iii) to make available appropriate services for tenants of the project.

''(E) USE REQUIREMENTS.—In the case of any project for which project rental assistance is provided under this paragraph, the dwelling units assisted pursuant to subparagraph (B) shall be operated for not less than 30 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary, and such dwelling units shall, during such period, be made available for occupancy only by persons and households described in subparagraph (B)(iv).

''(F) REPORT.—Not later than 3 years after the date of the enactment of this paragraph, and again 2 years thereafter, the Secretary shall submit to Congress a report—

''(i) describing the assistance provided under this paragraph;

''(ii) analyzing the effectiveness of such assistance, including the effectiveness of such assistance compared to the assistance program for capital advances set forth under subsection (d)(1) (as in effect pursuant to the amendments made by such Act); and

''(iii) making recommendations regarding future models for assistance under this section.''.

SEC. 5. TECHNICAL CORRECTIONS.

Section 811 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2)—

(i) by striking ''provides'' and inserting ''makes available''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(3) promotes and facilitates community integration for people with significant and long-term disabilities.'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''special'' and inserting ''housing and community-based services''; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

''(A) make available voluntary supportive services that address the individual needs of persons with disabilities occupying such housing;''; and

(ii) in subparagraph (B), by striking the comma and inserting a semicolon;

(3) in subsection (d)(1), by striking ''provided under'' and all that follows through ''shall bear'' and inserting ''provided pursuant to subsection (b)(1) shall bear'';

(4) in subsection (f)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking ''receive'' and inserting ''be offered'';

(ii) by striking subparagraph (C) and inserting the following:

''(C) evidence of the applicant's experience in—

''(i) providing such supportive services; or

''(ii) creating and managing structured partnerships with service providers for the delivery of appropriate community-based services;'';

(iii) in subparagraph (D), by striking ''such persons'' and all that follows through ''provision of such services'' and inserting ''tenants''; and

(iv) in subparagraph (E), by inserting ''other Federal, and'' before ''State''; and

(B) in paragraph (4), by striking ''special'' and inserting ''housing and community-based services'';

(5) in subsection (g), in paragraph (1) (as so redesignated by section 3(c)(1) of this Act)—

(A) in subparagraph (D) (as so redesignated by section 3(c)(2) of this Act), by striking ''the necessary supportive services will be provided'' and inserting ''appropriate supportive services will be made available''; and

(B) by striking subparagraph (E) (as so redesignated by section 3(c)(2) of this Act) and inserting the following:

''(E) the extent to which the location and design of the proposed project will facilitate the provision of community-based supportive services and address other basic needs of persons with disabilities, including access to appropriate and accessible transportation, access to community services agencies, public facilities, and shopping;'';

(6) in subsection (j)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(7) in subsection (k)—

(A) in paragraph (1), by inserting before the period at the end of the first sentence the following: '', which provides a separate bedroom for each tenant of the residence'';

(B) in paragraph (2), by striking the first sentence, and inserting the following: ''The term 'person with disabilities' means a household composed of one or more persons who is 18 years of age or older and less than 62 years of age, and who has a disability.'';

(C) by striking paragraph (3) and inserting the following new paragraph:

''(3) The term 'supportive housing for persons with disabilities' means dwelling units that—

''(A) are designed to meet the permanent housing needs of very low-income persons with disabilities; and

''(B) are located in housing that make available supportive services that address the individual health, mental health, or other needs of such persons.'';

(D) in paragraph (5), by striking ''a project for''; and

(E) in paragraph (6)—

(i) by inserting after and below subparagraph (D) the matter to be inserted by the amendment made by section 841 of the American Homeownership and Economic Opportunity Act of 2000 (Public Law 106–569; 114 Stat. 3022); and

(ii) in the matter inserted by the amendment made by subparagraph (A) of this paragraph, by striking ''wholly owned and''; and

(8) in subsection (l)—

(A) in paragraph (2), by striking ''subsection (c)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (3), by striking ''subsection (c)(2)'' and inserting ''subsection (d)(2)''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Subsection (m) of section 811 is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance pursuant to this section $300,000,000 for each of fiscal years 2011 through 2015.''.

SEC. 7. GAO STUDY.

The Comptroller General of the United States shall conduct a study of the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to determine the adequacy and effectiveness of such program in assisting households of persons with disabilities. Such study shall determine—

(1) the total number of households assisted under such program;

(2) the extent to which households assisted under other programs of the Department of Housing and Urban Development that provide rental assistance or rental housing would be eligible to receive assistance under such section 811 program; and

(3) the extent to which households described in paragraph (2) who are eligible for, but not receiving, assistance under such section 811 program are receiving supportive services from, or assisted by, the Department of Housing and Urban Development other than through the section 811 program (including under the Resident Opportunity and Self-Sufficiency program) or from other sources.

Upon the completion of the study required under this section, the Comptroller General shall submit a report to the Congress setting forth the findings and conclusions of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. MURPHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. MURPHY of Connecticut. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

Madam Speaker, I am proud to stand here today with my colleagues in support of S. 1481, the Frank Melville Supportive Housing Investment Act of 2009. This is a reauthorization and improvement upon the existing section 811 supportive housing program. Passing this bill today would send the legislation to the President's desk. I think this is the third time we've had this bill before the House over the last 4 years. It would pave the way to provide thousands more affordable housing units each year across this country to low-income persons with physical and mental disabilities. Importantly, the bill before us today costs the same amount as the existing 811 program. It just makes some very important improvements to efficiently expand the use of these important dollars.

That is why I want to first just thank all the people who have brought this bill before us today, Senators MENENDEZ and JOHANNS in the Senate as well as the ranking member of the full committee in the Senate, Senator DODD; here in the House, the chairman of the full committee, Representative FRANK and Representatives CAPITO and BIGGERT for their tireless advocacy on the issue of supportive housing, as well as really hundreds of staff both on the inside of this building and those advocates who have worked on this issue for a number of years.

And lastly to the Melville family, this bill is titled the Frank Melville Supportive Housing Investment Act. Frank Melville, who unfortunately passed away a few years ago, and his surviving wife, Allen, created something called the Melville Charitable Trust; and that trust today is one of the primary funders of supportive housing advocacy around the Northeast and around the Nation. And I think this legislation, should it find its way into passage, will be a fitting testament to Frank Melville's legacy.

Madam Speaker, the 811 program is the primary program for the development of supportive housing around the country. The Department of Housing and Urban Development estimates that around this Nation, there are about 1.3 million individuals, nonelderly disabled, people with physical disabilities or sometimes very severe mental illness, who are living in substandard housing. Supportive housing is a cost-effective means to provide those individuals with an ability to thrive independently. They are housing units, sometimes built together, sometimes done on a scattered-site basis, that are partnered with a modicum of support services, sometimes transportation help, sometimes medication adherence, that allows them to live independently.

It's the right thing to do for them, and it's the right thing to do for the government. It saves us billions of dollars. Because often, especially with respect to the individuals who have severe mental illness, the alternative is for those people to live in institutional settings, whether it be in hospitals or in jails. For those with physical disabilities, it is often a very, very difficult life to live in nonsupportive housing units.

□ 1130

The problem is we are not building enough of these units. Over the last few years we've built less than 1,000 across the country with 811 dollars. And it's sometimes taking up to 6 years from the point of application to the point of completion when you're dealing with an 811 project.

This bill, by reordering the way in which we run the program, would triple the number of housing units that we can build through the 811 program across country. It does this by providing better accountability and cost efficiency to the program, by transferring 811 vouchers to the larger section 8 program. And this frees up funds to support efforts to leverage 811 capital dollars with low-income tax credits, private dollars, and State partnerships. That's what this is really all about, trying to take our Federal dollars and leverage them with other sources of funding, whether it be through State and municipal funds or whether it be through private dollars, which I think is really the future of supportive housing development.

It also makes a number of other important efficiencies by allowing States and State housing agencies to do much of the bureaucratic paperwork that sometimes bogs down these applications.

Years ago, Madam Speaker, when this country and States across the Nation made the decision to close down our institutions that housed individuals with mental and physical disabilities, we made a promise to them. We told them that we'd find them new housing out in the communities, better opportunities for those individuals to live on their own. We haven't lived up to that promise over the years.

And in Connecticut, those of us who have worked on this issue for years, we often wear a badge when we're working on this issue in the State Capitol that says, Keep the Promise. This legislation, I believe, thanks to the great work of my Republican colleagues and Senators who worked so hard on it, is a step towards doing just that.

Again, I'd like to thank all of the people who have made this prospective final passage possible.

I reserve the balance of my time.

Mrs. CAPITO. Madam Speaker, I would like to thank my colleague from Connecticut for his dedication to this very important piece of legislation. And I would particularly like to thank Ms. BIGGERT from Illinois for her passion and her advocacy on behalf of the disabled Americans and their housing needs.

I rise in support of S. 1481, the Frank Melville Supportive Housing Investment Act of 2010.

There are nearly 4 million non-elderly disabled adults in the United States that are in need of housing assistance. The section 811 program is the only Federal program that allows persons with disabilities to live independently in the community by increasing the supply of affordable rental housing with the availability of supportive services.

S. 1481 closely resembles H.R. 1675, which passed the House by over 375 votes last year. The bill before us

today restructures the section 811 program in a way that provides for a continued creation of supportive housing and provides rental assistance that would make housing affordable for very low-income people with disabilities.

This bill will improve the section 811 disabled housing program by streamlining and simplifying development of HUD section 811 properties, and makes changes to the program to encourage integration and mixed-use developments such as low-income housing tax credits and HOME program funds.

I would additionally like to thank the very dedicated and hearty group of advocates from my State of West Virginia who traveled here last year to talk about this extremely important issue and the difficulties that they find every day, not only securing housing, but finding more housing for their associates who may suffer disabilities and are unable to find safe, affordable housing. And so I want to thank them for their passion and also for their strength that they exhibit every day in dealing with their disabilities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I yield as much time as he may consume to the chairman of the full committee and a primary proponent of this legislation and the legislation that previously passed respective to the 202 program, Representative BARNEY FRANK.

Mr. FRANK of Massachusetts. Madam Speaker, I support this legislation substantively. I'm also glad we're bringing it up because it helps dispel a couple of unduly negative views about us. We've just seen a great example of bipartisan cooperation. Yes, things have gotten very partisan. Some things should be partisan. More have become that way than should be.

But the public has an excessive view of the extent to which partisanship dominates, because when we have cooperation between the parties and agreement it's not news. And while we have some differences, the gentlewoman from West Virginia as the ranking member of the Housing Subcommittee and the gentlewoman from California (Ms. WATERS) as the chair did a lot of constructive work together, brought forward a number of pieces of legislation. Not all of them survived the last minute rush. I am hopeful under the leadership of the gentlewoman from Illinois those areas where we had some agreement, there were some that remain, that we will be able to move them. So it does show that people believe that there is more partisanship than there is, or that there are no examples of cooperation between the parties, as there are in this case.

There is a view that politics is a hard and nasty business and that people are vindictive, and this is proof that that's not true.

Now, the gentleman from Connecticut abandoned our committee, left for greener committee pastures. But that did not prevent us from enthusiastically helping him to pass this bill, and he deserves a great deal of credit for it. It is an idea, I believe, that came to him from constituents, and that's another good thing to know; that there were people in his district who were interested in this. And he brought it forward and worked very hard and made the necessary adjustments, as you always do in the process.

So this speaks very well of the gentleman from Connecticut and of the process, that people in the country who have some good ideas can bring them to us and they can be shaped, and this is done.

Finally, I am very pleased that this will lead to, I hope, more construction of rental units. A common problem that we've had for many years in our housing area was to overstress home ownership for people who needed government assistance, and under-performed with regard to building rental units. No one thing solved it all, but this is a step forward towards the construction of rental units in a way that will increase the stock of housing.

And we ought to remember when we talk about providing homes for people who need assistance, ownership and having a home are not the same word. Home ownership is a part of home, in general. Rental housing is also an important part.

I thank the gentleman from Connecticut and the gentlewoman from West Virginia and others for letting us take that step forward together.

Mrs. CAPITO. Madam Speaker, I yield such time as she may consume to a wonderful advocate for supportive housing and housing in general, the gentlewoman from Illinois, JUDY BIGGERT.

Ms. BIGGERT. Madam Speaker, today I rise as a Republican cosponsor of the House version of this legislation, and I urge my colleagues to support the bill.

I would like to thank my colleague, Congressman MURPHY of Connecticut, for all his hard work, and Ranking Member CAPITO of West Virginia for all that she has done on this bill.

Also our Senate counterparts, Senator MENENDEZ of New Jersey and Senator MIKE JOHANNS of Nebraska, for their hard work on this legislation.

Section 811 is the only Federal housing program that serves non-elderly, low-income people with disabilities. It is the only Federal program that funds housing and vouchers for people with disabilities who seek to live as independent members of the community.

Unfortunately, the program hasn't been reformed for over 15 years and, due to inefficiencies, has not served as many people who are disabled as it could. That's why, for the past 4 years, Congressman MURPHY and I have worked to reform the section 811 program. The House passed our bill, H.R. 5772, by voice vote in September 2008, and in July 2009, the House passed H.R. 1675 with overwhelming bipartisan support by a recorded vote of 376–51.

The bill under consideration today closely mirrors both House-passed bills. S. 1481 is critical to the goal of increasing the number of affordable units for people with disabilities. By better aligning this section 811 program with other Federal, State, and local funding resources, it allows nonprofit sponsors to more easily leverage additional financing, thereby maximizing Federal dollars.

□ 1140

It streamlines the application process and permits nonprofit and for-profit entities to partner on Section 811 projects. The bill also limits appropriations to the Federal fiscal year 2010 level and does not create any new Federal programs.

I would like to once again thank my colleague from Connecticut, Congressman MURPHY, and thank Chairman FRANK and Ranking Member BACHUS, Chairwoman WATERS and Ranking Member CAPITO, as well as their staffs, for helping us with this legislation.

Of course, I cannot forget to thank one of my constituents from Tinley Park, Illinois, Tony Paulauski, the executive director of Arc of Illinois, who testified in 2008 before our committee about the needs for these reforms. On a similar note, I would also like to thank the wonderful people in Illinois that work for Trinity Services and Cornerstone Services, as well as all those volunteers, parents, and other members of the community who have reached out to express their support of this legislation.

Madam Speaker, this is a commonsense bill that modernizes an important Federal housing program that hasn't been updated, and I would urge my colleagues to support it.

Mrs. CAPITO. Madam Speaker, I would urge my colleagues to vote in support of this very important bill.

I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY of Connecticut. Madam Speaker, I would like to thank, again, Representative FRANK for his generosities, despite my leaving the committee. And again, to Representative BIGGERT in particular, for her advocacy on this issue over the years.

For people that are born with physical and mental disabilities, what I think we strive to do as a society is give them a chance at independent life, give them a chance to succeed just like everyone else. And there is nothing more fundamental to that success than a roof over your head, than a place to live and a place that has some appropriate supports, recognizing the challenges that you face. This bill, where we can potentially triple the number of supportive housing units that we build across the country without spending an additional dime, is both, I think, a compassionate response to those people and a responsible way to run this program.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, S. 1481.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANTI-BORDER CORRUPTION ACT OF 2010

Ms. JACKSON LEE of Texas. Madam Speaker, I move to suspend the rules and pass the bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anti-Border Corruption Act of 2010''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Office of the Inspector General of the Department of Homeland Security, since 2003, 129 U.S. Customs and Border Protection officials have been arrested on corruption charges and, during 2009, 576 investigations were opened on allegations of improper conduct by U.S. Customs and Border Protection officials.

(2) To foster integrity in the workplace, established policy of U.S. Customs and Border Protection calls for—

(A) all job applicants for law enforcement positions at U.S. Customs and Border Protection to receive a polygraph examination and a background investigation before being offered employment; and

(B) relevant employees to receive a periodic background reinvestigation every 5 years.

(3) According to the Office of Internal Affairs of U.S. Customs and Border Protection—

(A) in 2009, less than 15 percent of applicants for jobs with U.S. Customs and Border Protection received polygraph examinations;

(B) as of March 2010, U.S. Customs and Border Protection had a backlog of approximately 10,000 periodic background reinvestigations of existing employees; and

(C) without additional resources, by the end of fiscal year 2010, the backlog of periodic background reinvestigations will increase to approximately 19,000.

SEC. 3. REQUIREMENTS WITH RESPECT TO ADMINISTERING POLYGRAPH EXAMINATIONS TO LAW ENFORCEMENT PERSONNEL OF U.S. CUSTOMS AND BORDER PROTECTION.

The Secretary of Homeland Security shall ensure that—

(1) by not later than 2 years after the date of the enactment of this Act, all applicants for law enforcement positions with U.S. Customs and Border Protection receive polygraph examinations before being hired for such a position; and

(2) by not later than 180 days after the date of the enactment of this Act, U.S. Customs and Border Protection initiates all periodic background reinvestigations for all law enforcement personnel of U.S. Customs and Border Protection that should receive periodic background reinvestigations pursuant to relevant policies of U.S. Customs and Border Protection in effect on the day before the date of the enactment of this Act.

SEC. 4. PROGRESS REPORT.

Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through the date that is 2 years after such date of enactment, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the progress made by U.S. Customs and Border Protection toward complying with section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON LEE) and the gentlewoman from Michigan (Mrs. MILLER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Texas.

GENERAL LEAVE

Ms. JACKSON LEE of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of S. 3243, the Anti-Border Corruption Act of 2010, and yield myself such time as I may consume.

Madam Speaker, we all have a stake in ensuring that the agency in charge of securing our border is strong and effective. Accordingly, I believe that corruption anywhere in the ranks of Customs and Border Protection, or CBP, must be dealt with swiftly and effectively. Now, having gone to our border, both northern and southern border, I am well aware that there is a lot of hard work, sacrifice, and professionalism that goes on among our CBP personnel. In fact, I have engaged with them over the years.

S. 3243, however, will foster greater integrity throughout the CBP by requiring polygraph tests for all its law enforcement applicants and directing CBP leadership to conduct periodic reinvestigations on current personnel to root out any corruption—very important in light of the extreme conditions, particularly on the southern border, and the fight that we have against drug cartels and violence.

The men and women of Customs and Border Protection, CBP, serve on the front line in extreme heat, terrible cold, and other difficult circumstances to protect the Nation against homeland security and criminal threats, and we are enormously grateful to them.

I am proud of the strides that Congress has made over the years to bolster the efforts of these fine men and women by, among other things, doubling the size of the Border Patrol from about 10,000 agents in FY 2002 to more than 20,000 in FY 2009. I am very pleased that having served on that committee since its origin, and having served under Chairman THOMPSON, that was one of our number one priorities. In fact, legislation that I introduced became, ultimately, part of a Senate bill that helped increase the number of Border Patrol agents at the border, the southern border in particular.

Traditional smuggling routes and networks have been disrupted because of our Federal efforts to secure the border. But in response, smugglers and other criminal organizations are actively seeking out other ways to conduct their illegal activity. They have, in some cases, resorted to infiltrating and weakening CBP from within its ranks.

While the majority of CBP employees are not corrupt and are putting their lives on the line every day to keep America secure, there are some who are undermining their efforts. Let me remind my colleagues: The majority of CBP employees are not corrupt, and we thank them for their sacrifice. However, enactment of this bill will strengthen personnel integrity, result in greater hiring efficiency, and protect those who are doing their job every single day.

According to CBP, approximately 15 percent of applicants received a polygraph examination last year. Of those, about 60 percent were found unsuitable for service. CBP has also found that less than 1 percent of applicants cleared by polygraph testing failed the required background investigation. It shows that this process will work. In contrast, roughly 22 percent of applicants who do not undergo this testing fail their background investigations.

Maintaining workforce integrity is a continuous process that does not end with preemployment screening. With the aggressive growth in CBP, the agency has struggled to keep up with its periodic reinvestigations of certain personnel. S. 3243 would require CBP to initiate reinvestigation within 6 months of enactment and report to Congress on its progress, all toward the idea of ensuring the integrity of law enforcement at a very crucial time in America's history.

I urge my colleagues to join me in supporting the passage of S. 3243, because this legislation will help bolster CBP's ability to ensure integrity throughout the ranks of this critical Homeland Security agency. And, frankly, I believe the men and women who are doing their job every day will welcome this kind of process in order to be able to stand alongside of those men and women just like them.

I urge support.

I reserve the balance of my time.

Mrs. MILLER of Michigan. I yield myself as much time as I may consume.

Madam Speaker, I rise today to speak about S. 3243, which will require Customs and Border Protection, the CBP, to begin polygraph testing for all new applicants for law enforcement positions before being hired and to initiate periodic background reinvestigations for all of its law enforcement personnel.

First, I would like to sincerely commend the work that the Border Patrol agents and the CBP officers across the Nation do each and every single day. These brave men and women stand on the front lines. They endure hardships. They face dangerous and heavily armed drug cartels along the southern border. And agents like Brian Terry, who lost his life, actually, last week and is an agent from Michigan who, I believe, is being laid out at a funeral parlor in the city of Detroit as we speak, lay down their lives to protect our border and our Nation. And, of course, the challenges faced by CBP agents, as well, along the northern border are also being met.

The important work being done by our Border Patrol and CBP officers to control the legal flow of both people and goods while deterring smuggling has made them a target of these drug cartels and other criminal organizations who want to recruit them to help smuggle drugs and money across our borders.

Corruption amongst border agents, unfortunately, is not a new problem. But as our enforcement efforts along the border have grown, so have the number of corruption cases. Since 2003, 129 CBP officers have been arrested on corruption charges. Last year alone, there were 576 allegations of corruption.

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CBP's internal affairs office has stated that less than 15 percent of applicants receive a polygraph test, despite agency policy that requires that all applicants are supposed to take this test. CBP procedure also requires periodic background reinvestigations for employees to occur at least every 5 years. However, Madam Speaker, there is currently a backlog of over 10,000 cases, which could increase to 19,000 by the end of this fiscal year. This bill will make it mandatory for all CBP applicants to be prescreened with a polygraph examination and will require CBP to clear the backlog of reinvestigations within 6 months.

This bill will go a long, long way to preventing people like Margarita Crispin from becoming a CBP agent. Ms. Crispin, as an example, was hired by CBP in 2003, at which time she had already been recruited by the Juarez cartel. Almost immediately after completing her training, she began helping drug traffickers smuggle narcotics into the U.S.; and by the time she was arrested in 2007, she had allowed more than 2,200 pounds of marijuana to cross over our border.

Ms. Crispin was, unfortunately, not unique among CBP officers. In recent years, we have seen the Vilareal brothers, who helped smuggle an untold number of Mexicans and Brazilians across the border before quitting CBP and then fleeing into Mexico.

Perhaps most disturbing, however, as an example, was the case of Michael Gilliland, who was a highly respected 16-year veteran of CBP who was arrested on corruption charges in 2007. Mr. Gilliland became involved with a woman who belonged to a smuggling organization and before long began taking bribes to help smuggle people and narcotics into the United States.

Madam Speaker, this illustrates how important it is that CBP not only give polygraph exams to new applicants, but to also clear their backlog and reinvestigate their employees every few years.

Our efforts to secure the border since 9/11 have made it more difficult for criminal organizations to smuggle people and narcotics into our country, but this has only made them more desperate. It is important to ensure that the outstanding work being done by our Border Patrol agents isn't tarnished by a few corrupt individuals who could be screened out before they have the opportunity to do harm.

With the passage of this legislation, we can close this loophole and ensure that only the most trustworthy agents are employed by CBP.

Madam Speaker, I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

I want to join the gentlelady from Michigan to offer my deepest sympathy for the fallen Customs and Border Patrol agent who lost his life in the line of duty, in the line of battle, if you will, and to express this country's gratefulness again for his service.

So in tribute to those who we recognize every day put their lives on the front line, we want to ensure that we have the kind of force of men and women that will uphold the highest standards of integrity that even under pressure in this very hostile climate of drug cartels, human trafficking and smuggling and massiveness of criminal activity and intent to do harm to the United States, that we provide the atmosphere for these men and women to do their job.

Madam Speaker, as you have heard, the enactment of S. 3243 will force a greater integrity through CBP. Passage of S. 3243 by the House of Representatives today will allow this important measure to be presented to the President for his signature in recognition of the sacrifice of all of these men and women at our borders.

I encourage my colleagues to join me in supporting S. 3243 and, as we do this, look forward to comprehensively addressing this immigration concern in this Nation and really move this Nation forward in a nonpartisan and bipartisan manner.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of S. 3243, the Anti-Border Corruption Act.

The men and women of Customs and Border Protection (CBP) are the guardians of our Nation's borders.

They protect our ports of entry and areas in between against homeland security threats, including illicit trafficking and other criminal activity, while facilitating legitimate trade and travel.

The vast majority of CBP personnel are committed to the border security mission.

However, there have been instances in recent years of individuals seeking and securing employment with CBP for the express purpose of engaging in smuggling and other criminal activities.

For example, last December, Border Patrol Agent Raquel Esquivel was sentenced to 15 years in prison for informing smugglers on the location of patrols.

She reportedly joined the Border Patrol based on the recommendation of a high school friend and drug smuggler who convinced her it was a "good career move" for both of them.

More recently, just last week, a Customs Officer based at Atlanta's Hartsfield-Jackson Airport was arrested in one of the largest ecstasy pill seizures in the country.

The officer was charged with conspiring to launder drug money, bulk cash smuggling and attempting to bring weapons onto an aircraft. He allegedly used his badge to bypass security and avoid screening.

H.R. 3243 would strengthen CBP by enhancing the agency's personnel integrity policies.

Specifically, the bill would require CBP to:

(1) require all applicants for CBP law enforcement positions to undergo polygraph examinations; and

(2) commence background re-investigations of certain employees within six months of enactment.

CBP deploys more than 57,000 employees each day.

On a typical day, they process about one million passengers and pedestrians; execute more than two thousand apprehensions between ports and over one hundred criminal arrests at ports of entry.

Given this high-threat environment, it is not surprising that drug trafficking organizations have turned their attention to infiltrating and compromising CBP.

The dramatic increases in staffing have also contributed to personnel vulnerabilities.

The Border Patrol has seen its agents double from approximately 10,000 agents in FY 2002 to more than 20,000 in FY 2009.

This rate of growth has made it difficult for CBP to pace with periodic personnel re-investigations.

I urge passage of S. 3243 which takes some important steps to help prevent the hiring of those who seek to infiltrate CBP for terrorist or criminal purposes and ensure that reinvestigations are conducted on a regular basis to weed out any potential corruption.

Ms. JACKSON LEE of Texas. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill, S. 3243.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. JACKSON LEE of Texas. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NORTHERN BORDER COUNTERNARCOTICS STRATEGY ACT OF 2010

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4748) to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Northern Border Counternarcotics Strategy Act of 2010''.

SEC. 2. NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3502) is amended by inserting after section 1110 the following:

''SEC. 1110A. REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.

''(a) DEFINITIONS.—In this section, the terms 'appropriate congressional committees', 'Director', and 'National Drug Control Program agency' have the meanings given those terms in section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701).

''(b) STRATEGY.—Not later than 180 days after the date of enactment of this section, and every 2 years thereafter, the Director, in consultation with the head of each relevant National Drug Control Program agency and relevant officials of States, local governments, tribal governments, and the governments of other countries, shall develop a Northern Border Counternarcotics Strategy and submit the strategy to—

''(1) the appropriate congressional committees (including the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives);

''(2) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Indian Affairs of the Senate; and

''(3) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Natural Resources of the House of Representatives.

''(c) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

''(1) set forth the strategy of the Federal Government for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on the border;

''(2) state the specific roles and responsibilities of each relevant National Drug Control Program agency for implementing the strategy;

''(3) identify the specific resources required to enable the relevant National Drug Control Program agencies to implement the strategy; and

''(4) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law enforcement authorities, and variations in the volumes of vehicles and pedestrians crossing through ports of entry along the international border between the United States and Canada.

''(d) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

''(1) a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada; and

''(2) recommendations for additional assistance, if any, needed by tribal law enforcement agencies relating to the strategy, including an evaluation of Federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

''(e) LIMITATION.—

''(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall not change the exiting agency authorities and this section shall not be construed to amend or modify any law governing interagency relationships.

''(2) LEGITIMATE TRADE AND TRAVEL.—The Northern Border Counternarcotics Strategy shall be designed to promote, and not hinder, legitimate trade and travel.

''(f) TREATMENT OF CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—

''(1) IN GENERAL.—The Northern Border Counternarcotics Strategy shall be submitted in unclassified form and shall be available to the public.

''(2) ANNEX.—The Northern Border Counternarcotics Strategy may include an annex containing any classified information or information the public disclosure of which, as determined by the Director or the head of any relevant National Drug Control Program agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or tribal agency.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Madam Speaker, H.R. 4748 amends the Office of National Drug Control Policy Reauthorization Act of 2006 to require the Director of the National Drug Control Policy to submit to Congress a northern border counternarcotics strategy.

The United States' northern border with Canada is the longest open border in the world, spanning 12 States and over 4,000 miles. The House initially passed this bill 5 months ago, recognizing the increased amount of drug trafficking and related criminal activity occurring near the Canadian border, including on Indian reservations in that area.

To combat this development, H.R. 4748 requires the creation of a northern border counternarcotics strategy similar to what has been in place for our southwest border for several years. This will promote more effective consultation and coordination between Federal law enforcement agencies so that we can bring new force to our efforts to curb the flow of illegal drugs across the northern border and the crime it brings in its wake. In addition, H.R. 4748 gives Indian tribes with reservations on or near the Canadian border a consulting role in implementing the strategy on their reservations.

This bill is the result of efforts by our colleague, the gentleman from New York (Mr. OWENS), whose district spans 250 miles of the border on land along the St. Lawrence River and on Lake Erie. The Homeland Security chairman, the gentleman from Mississippi (Mr. THOMPSON), helped to shape the bill and bring it to the floor last summer. The Senate has now returned the bill with some modest, but helpful, refinements; and I urge my colleagues to support this revised version so that we can send it to the President.

I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Madam Speaker, H.R. 4748, the Northern Border Counternarcotics Strategy Act, requires the Director of the Office of National Drug Control Policy, ONDCP, to develop a counternarcotics strategy for the U.S. Canadian border. The House passed this legislation last July. The Senate made several technical and conforming changes to the language and sent it back to the House for final consideration.

Significant attention has been paid to drug trafficking along our southern border with Mexico, but the northern border with Canada is also a major transit point for high-potency marijuana, Ecstasy, and other illegal drugs. According to the 2010 National Drug Threat Assessment, Asian drug trafficking organizations produce the drug Ecstasy in Canada and then smuggle it across the northern border into the U.S. America's northern border is remote, heavily wooded and sparsely populated, ideal for smugglers seeking to move their product into the U.S. undetected.

In 2006, Congress directed the ONDCP to prepare a counternarcotics strategy for our southwestern border. H.R. 4748 mirrors this strategy, but for our northern border.

While we continue to address drug trafficking across our southern border, we must not lose sight of the ease with which our northern border can be exploited by dangerous drug smugglers. I urge my colleagues to support this legislation.

Madam Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield the balance of my time to the gentleman from New York (Mr.

OWENS), who has been working hard on this particular bill.

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Mr. OWENS. Madam Speaker, I want to thank Chairman CONYERS and Chairman THOMPSON for their leadership and for bringing H.R. 4748 to the floor with the Senate amendment.

Our northern border with Canada spans over 4,000 miles, the longest open border in the world. I am intimately familiar with the unique status of our shared border. My congressional district in Upstate New York includes 13 ports of entry and border crossings, and nearly 2,000 jobs depend on a stable trading relationship with our northern neighbor.

We currently lack a unified approach to stopping the flow of drugs from the northern border. As the southern border has witnessed the spread of violence that has accompanied the increased drug trade, we must be proactive and vigilant in ensuring that our northern border remains safe and open for business. Organized criminal elements are increasingly exploiting the northern border to traffic narcotics, illicit cigarettes, firearms, and people. According to the 2010 National Drug Threat Assessment, the amount of ecstasy seized at or between northern border points of entry increased 594 percent from 2004 to 2009. In 2009, there were 1,100 drug-related arrests in New York's North Country. Just last week, the Franklin County Border Narcotics Task Force caught a Malone man believed to be headed downstate with 119 pounds of marijuana. The Narcotics Task Force, consisting of law enforcement officials from the Federal, State, and local level, stand to benefit greatly from this legislation. They will have the added advantage of increased cooperation and information sharing with their counterparts across the northern border.

By enacting this important legislation into law, the Federal agency that is responsible for stopping illegal drugs from entering the U.S. will, for the first time, be mandated by Congress to create a comprehensive strategy to stop the flow of drugs across the northern border. By coordinating the efforts of Federal, State, and local officials responsible for the safety of our communities, the Northern Border Counternarcotics Strategy Act will help ensure that law enforcement has the tools and information they need to keep the drug trade out of the northern border communities.

This legislation also recognizes the important balance between allowing the flow of legitimate trade and travel across the border with Canada and stopping the flow of illegal narcotics. This new strategy will reflect the unique nature of the small communities that dot the northern border and recognize the need for continued cooperation and coordination with our counterparts in Canadian law enforcement. This legislation will ultimately make these communities safer, attracting new businesses and providing the long-term assurances of protection they need to grow and prosper.

Upstate New York has benefited for decades from a robust business relationship with our Canadian neighbors, and any illegal activity that takes place over our borders threatens that relationship. The Northern Border Counternarcotics Strategy Act starts the process of developing a new approach to combating the international drug trade along our shared border with Canada. It is a vital component to the economic development and safety of our communities along that border. I ask my colleagues for their support.

Mr. THOMPSON of Mississippi. Madam Speaker, as an original cosponsor of H.R. 4748, I urge passage of this important homeland security bill so that it can be sent to the President for signature.

H.R. 4748, as amended by the Senate, would require the Director of National Drug Control Policy, ONDCP, to work with Federal, state, local, and international law enforcement to develop a comprehensive plan to prevent drug trafficking across the Northern Border. The bill requires the strategy to include clear recommendations for better coordination and assistance for tribal law enforcement agencies.

More often than not, when I hear someone lament about our "broken borders," they are talking about the Southern Border. While certainly the high-profile drug cartel violence and human smuggling activities warrant significant attention, we must not overlook the fact that there are significant border security challenges to the north, as well. In recent years, a diverse array of traffickers ranging from outlaw motorcycle gangs to Canadian drug rings have exploited the long, sparsely populated and very wooded border to traffic in large quantities of marijuana, ecstasy, and methamphetamines. Surveillance of the border is particularly challenging since smugglers have a wide range of delivery options—from helicopter and other small craft to boat and float plane to cattle trucks and even snowmobiles.

Representative OWENS, with his firsthand perspective of conditions on the Northern Border, is to be commended for authoring this bill to ensure that the Federal government has a unified approach to preventing the flow of drugs into the United States through this critical border—which spans about 4,000 miles.

The bill is not only integral to border security, but is vital for economic development in New York's North Country and other communities in the 13 states along our border with Canada. Thousands of jobs in these areas depend on the swift movement of lawful commerce across the Northern Border; illicit activity along the border risks undermining this critical trading relationship.

I congratulate Representative OWENS, a valuable member on the Homeland Security Community, for his work on Northern Border security issues and—especially—his efforts in introducing a strategic approach to stemming the flow of illicit drugs across the U.S.-Canadian border. I urge passage of H.R. 4748.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4748.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PREDISASTER HAZARD MITIGATION ACT OF 2010

Ms. NORTON. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1746) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program of the Federal Emergency Management Agency.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Predisaster Hazard Mitigation Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The predisaster hazard mitigation program has been successful and cost-effective. Funding from the predisaster hazard mitigation program has successfully reduced loss of life, personal injuries, damage to and destruction of property, and disruption of communities from disasters.

(2) The predisaster hazard mitigation program has saved Federal taxpayers from spending significant sums on disaster recovery and relief that would have been otherwise incurred had communities not successfully applied mitigation techniques.

(3) A 2007 Congressional Budget Office report found that the predisaster hazard mitigation program reduced losses by roughly $3 (measured in 2007 dollars) for each dollar invested in mitigation efforts funded under the predisaster hazard mitigation program. Moreover, the Congressional Budget Office found that projects funded under the predisaster hazard mitigation program could lower the need for post-disaster assistance from the Federal Government so that the predisaster hazard mitigation investment by the Federal Government would actually save taxpayer funds.

(4) A 2005 report by the Multihazard Mitigation Council showed substantial benefits and cost savings from the hazard mitigation programs of the Federal Emergency Management Agency generally. Looking at a range of hazard mitigation programs of the Federal Emergency Management Agency, the study found that, on average, $1 invested by the Federal Emergency Management Agency in hazard mitigation provided the Nation with roughly $4 in benefits. Moreover, the report projected that the mitigation grants awarded between 1993 and 2003 would save more than 220 lives and prevent nearly 4,700 injuries over approximately 50 years.

(5) Given the substantial savings generated from the predisaster hazard mitigation program in the years following the provision of assistance under the program, increasing funds appropriated for the program would be a wise investment.

SEC. 3. PREDISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

''(f) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

''(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

''(A) is not less than the lesser of—

''(i) $575,000; or

''(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

''(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $180,000,000 for fiscal year 2011;

''(2) $200,000,000 for fiscal year 2012; and

''(3) $200,000,000 for fiscal year 2013.''.

(c) TECHNICAL CORRECTIONS TO REFERENCES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 602(a) (42 U.S.C. 5195a(a)), by striking paragraph (7) and inserting the following:

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''; and

(2) by striking ''Director'' each place it appears and inserting ''Administrator'', except—

(A) in section 622 (42 U.S.C. 5197a)—

(i) in the second and fourth places it appears in subsection (c); and

(ii) in subsection (d); and

(B) in section 626(b) (42 U.S.C. 5197e(b)).

SEC. 4. PROHIBITION ON EARMARKS.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:

''(n) PROHIBITION ON EARMARKS.—

''(1) DEFINITION.—In this subsection, the term 'congressionally directed spending' means a statutory provision or report language included primarily at the request of a Senator or a Member, Delegate or Resident Commissioner of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

''(2) PROHIBITION.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending.

''(3) CERTIFICATION TO CONGRESS.—The Administrator of the Federal Emergency Management Agency shall submit to Congress a certification regarding whether all financial assistance under this section was awarded in accordance with this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials in the RECORD on the Senate amendment to H.R. 1746.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

I rise today to support H.R. 1746, as amended, a bill to reauthorize the predisaster mitigation program. This program's authorization expires with the current continuing resolution.

The predisaster mitigation program is authorized by section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or the Stafford Act, and was first authorized by this committee in the Disaster Mitigation Act of 2000. My subcommittee held a hearing in which we received testimony on empirical evidence that show that this predisaster mitigation program manages to get a substantial return on this investment, with some estimations as high as a 4-to-1 return to the national government.

Examples of mitigation activities highlighted at the hearing include the seismic strengthening of buildings and infrastructure, acquiring repetitively flooded homes, installing shelters and shatter-resistant windows in hurricane-prone areas, and the building of ''safe rooms'' in houses and other buildings to protect from high winds. The subcommittee came to the conclusion that predisaster mitigation is effective in accomplishing the goal of reducing the risk of future damage, hardship, and loss from all hazards, including loss of life.

H.R. 1746 would reauthorize the program for 3 years, make the minimum $575,000 or 1 percent of the total funds appropriated to carry out this section for the fiscal year, and codify the competitive aspects of the program. Senate changes to the bill include an explicit ban on earmarks or any congressionally directed spending, along with reducing authorization levels of $250 million annually to $180 million for fiscal year 2011, and $200 million for fiscal year 2012 and 2013.

This legislation has been endorsed by the National Association of Counties, International Association of Emergency Managers, the Association of State Floodplain Managers, the National Emergency Management Association, the National Association of Flood and Stormwater Management Agencies, and the American Public Works Association. In addition, the Federal Emergency Management Agency has requested a reauthorization of the predisaster mitigation program.

This program has consistently shown to provide an excellent return on investment, and I ask Members of the House to support the bill that protects both lives and property.

Madam Speaker, I reserve the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

This bill reauthorizes the predisaster mitigation program for the next 3 years, as the gentlewoman from Washington, D.C., has just stated. I'm pleased to be a co-sponsor of this legislation, along with Chairman OBERSTAR, Ranking Member MICA, and Chairwoman NORTON, who is on the committee that I am the ranking member of.

The predisaster mitigation program was created by the Disaster Mitigation Act of 2000 as a pilot program to study the effects and the effectiveness of mitigation for those grants given to communities before a disaster may strike. Prior to creation of the predisaster mitigation program, hazard mitigation primarily occurred after disaster through FEMA'S Hazard Mitigation Grant Program.

We know that every disaster costs us a lot of money—and, obviously, more than money. In many times, even human life. It damages homes, businesses, and infrastructure. And, again, potentially loss of life.

Mitigation measures have been shown, Madam Speaker, to be very effective in mitigating the damage that occurs during a storm, and frankly, also in saving lives, which is, we would all agree, even more important. In fact, the investments that we make in mitigation actually saves taxpayer dollars. I think that deserves being repeated: It actually saves the taxpayer money.

Both the CBO, the Congressional Budget Office, and the National Institute of Building Sciences have determined that for every dollar invested in mitigation, $3 are actually saved in actual future losses. In addition, H.R. 1746, as amended, includes a clear prohibition on earmarks.

Now, the bottom line is, mitigation works. It's been proven to work. It saves lives, it limits future damages, and reduces Federal disaster costs. In other words, it saves the taxpayer money.

□ 1210

The predisaster mitigation program is an effective program that advances these goals that I just mentioned. So I support the passage of this legislation, and I urge my colleagues to do the same.

Madam Speaker, I would at this time, since I don't believe there are any further speakers, just mention two things.

First, I want to once again thank Chairwoman NORTON. It has been a privilege, an honor and a pleasure to be her ranking member. She has really, really been a great champion on issues of disaster mitigation. While she represents Washington, DC, except for that big snowstorm, it is an area you would hope would have no hurricanes or earthquakes. She has been a huge champion. She has visited areas. She has gone down to south Florida and has

visited the hurricane center and has held hearings down there. So she has been a great champion.

I would just tell you, on a personal note, that she has been wonderful to work with. I didn't know we were going to be on the floor together again, Madam Speaker, but as I said the last time, I will no longer be on the T&I Committee. I will now go to the Appropriations Committee. I would be remiss if I didn't mention, though, what a privilege it has been to work with my chairwoman.

Also, one of the true gentlemen in this process and one of the people I have grown to respect and admire is the chairman of the full committee, Mr. OBERSTAR, a person who has served this country with dignity, with honor and with great integrity, and who has been exceedingly fair. I can tell you that there have been not a couple of occasions, but many occasions, that I've gone to him because I've seen things that, well, frankly, I didn't like, most of which were driven by just passions.

I would go to him and say, Mr. Chairman, this is what's going on.

Frankly, you could see it in his face. He just did not tolerate anything that he believed was not fair on his committee.

Again, he is a public servant, one who has served this country and who has shown all of us, whether we agree with him or disagree with him—and I've had multiple disagreements with him—what public service is all about. So I just wanted to make sure that I put that in the record.

Madam Speaker, I yield back the balance of my time.

Ms. NORTON. I yield myself such time as I may consume.

First, I want to thank the gentleman from Florida. His kind and gentle words are typical of the way he has operated on the committee—always in the most collegial fashion when he talks about the District of Columbia and its not experiencing what, for example, his own district does in Florida.

I can only say we empathize with you in Florida and all over the country. We are all Americans; and every time that we sat together in hearings, we were, of course, cognizant of the fact that we were dealing with issues that affected the entire country.

It has been a great pleasure to work with the ranking member. We worked together on each and every bill. I cannot think of a single bill on which we found a disagreement, where we had something that we wanted to change and where we didn't discuss it or staff didn't discuss it.

I know Mr. OBERSTAR would very much appreciate your remarks as well. He is a one-of-a-kind chairman who had been here as a staff member with enormous influence, and then he became a chairman with outsized influence as well.

I understand that my good friend Mr. DIAZ-BALART thinks he has found sunnier shores on another committee, but I want him to know that I don't think he will ever have a better relationship with another Member on this side of the aisle. In the relationship that he and I have formed, it has come to be, indeed, a friendship.

So I say to him, Until we meet again, Mr. DIAZ-BALART.

I want to simply emphasize, in closing, the little bit of money for which there is a great return for 3 years. The Federal Government spent a token amount, $500 million; but according to the CBO, the reduction in future losses associated with that small $500 million is $1.6 billion in present value. No wonder this bill passed in the other body.

I urge my colleagues to approve this bill as well.

Mr. OBERSTAR. Madam Speaker, I rise today in strong support of the Senate amendment to H.R. 1746, the ''Predisaster Hazard Mitigation Act of 2010''. H.R. 1746, as amended, reauthorizes the Federal Emergency Management Agency's (FEMA) Pre-Disaster Mitigation (PDM) program and helps communities across the Nation protect against natural disasters and other hazards. I thank the gentleman from Florida (Mr. MICA), Ranking Member of the Committee, and the gentlewoman from the District of Columbia (Ms. NORTON), and the gentleman from Florida (Mr. DIAZ-BALART), the Chair and Ranking Member of the Subcommittee on Economic Development, Public Buildings, and Emergency Management, respectively, for their bipartisan efforts on this bill.

The PDM program provides technical and financial assistance to State and local governments to reduce injuries, loss of life, and damage to property caused by natural disasters. Examples of mitigation activities include: seismic retrofitting of buildings to strengthen the buildings in case of an earthquake; acquiring repetitively flooded homes; installing shutters and shatter-resistant windows in hurricane-prone areas; and building ''safe rooms'' in houses and buildings to protect people from high winds.

Consideration of this bill today is crucial, as the PDM program is set to sunset with the expiration of the current continuing resolution. Therefore, Congress must take quick action to continue this vital program.

H.R. 1746, as amended, reauthorizes the PDM program for three years, at a level of $180 million for fiscal year 2011, and $200 million for each of fiscal years 2012 and 2013. The bill increases the minimum amount that each state receives under the program from $500,000 to $575,000, and codifies the competitive selection process of the program, as currently administered by FEMA.

In 1988, the Committee on Transportation and Infrastructure authorized FEMA's Hazard Mitigation Grant Program. This effective program provides grants to communities to mitigate hazards, but only provides grants to ''build better'' after a disaster. At the time, no program existed to help communities mitigate risks from all hazards before disaster strikes.

In the 1990s, under the leadership of FEMA Administrator James Lee Witt, FEMA developed a PDM pilot program known as ''Project Impact'', which was a predecessor program to the current PDM program. Congress appropriated funds for Project Impact in each of fiscal years 1997 through 2001.

The PDM program reduces the risk of natural hazards, which is where the preponderance of risk is in our country. While it is prudent to prepare for the possibility of terrorist attacks, the occurrence of natural disasters of all types and sizes is a known certainty. The flooding that is currently occurring in California, and the tornadoes that struck in my home state of Minnesota this summer, particularly in Wadena in my district, are examples of the tragic, real impact of natural disasters that occur in our nation every year.

Mitigation saves money. Studies by the Congressional Budget Office (CBO) and National Institute of Building Sciences show that for every dollar invested in PDM projects, future losses are reduced by three to four dollars. In 2005, the Multihazard Mitigation Council, an advisory body of the National Institute of Building Sciences, found ''that a dollar spent on mitigation saves society an average of $4.'' Further, the Multihazard Mitigation Council found that flood mitigation measures yield even greater savings. According to a September 2007 CBO report on the reduction in Federal disaster assistance that is likely to result from the PDM program, ''on average, future losses are reduced by about $3 (measured in discounted present value) for each $1 spent on those projects, including both federal and nonfederal spending.''

While empirical data is critical, perhaps more telling are real-life mitigation ''success stories''. For instance, Seattle, Washington used Project Impact PDM grants to fortify buildings. Immediately after the Nisqually Earthquake struck Seattle on February 28, 2001, Seattle Mayor Paul Schell and other public officials cited those PDM grants as one of the primary reasons that lives and property were saved during the earthquake. Ironically, the Mayor's statements came on the same day that the President George W. Bush Administration claimed that the Project Impact PDM pilot program should be defunded because it was not effective.

Another example of the effectiveness of mitigation comes from my district. On July 4, 1999, a derecho, also known as a blow down, struck the Boundary Waters Canoe Area Wilderness and downed millions of trees. This created a huge fire hazard. As a result, FEMA mitigation funds were given to residents to install outdoor sprinkler systems to protect against wild fire. Unfortunately, in 2007, the Ham Lake Fire struck the area. Those structures that had sprinkler systems were protected from the fire. Since that time, communities in that area have sought and have been awarded more than $3 million of PDM funds to help protect other structures from this continuing risk of fire.

Mitigation is an investment. It is an investment that not only benefits the Federal Government, but State and local governments as well. Projects funded by the PDM program reduce the damage that would be paid for by the Federal Government for a major disaster under the Stafford Act. However, mitigation also reduces the risks from smaller, more frequent events that State and local governments face every day.

The PDM program takes citizens out of harm's way, by elevating a house or making sure a hospital can survive a hurricane or earthquake. In doing so, it allows first responders to focus on what is unpredictable in a disaster rather than on what is foreseeable and predictable.

H.R. 1746, as amended, eliminates the existing sunset in the program. As the evidence clearly shows, this program works well and is cost effective. It should no longer be treated as a pilot program with a sunset. Rather, State and local governments should have the certainty of knowing this program will be available in the future to enable them to focus their efforts on critical, long-term mitigation planning.

The Obama administration has specifically requested that Congress reauthorize the PDM program and this legislation has been endorsed by the National Association of Counties, International Association of Emergency Managers, the Association of State Floodplain Managers, the National Emergency Management Association, the National Association of Flood and Stormwater Management Agencies, and the American Public Works Association.

This bill passed the House more than a year and a half ago with overwhelming bipartisan support. The legislation passed the other body last night by unanimous consent. I would like to thank Senator JOSEPH LIEBERMAN and Senator SUSAN M. COLLINS for their persistent efforts to clear this legislation through the other body.

I urge my colleagues to join me in supporting H.R. 1746, as amended, the "Predisaster Hazard Mitigation Act of 2010".

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1746.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5116, AMERICA COMPETES REAUTHORIZATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 2751, FDA FOOD SAFETY MODERNIZATION ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2142, GPRA MODERNIZATION ACT OF 2010

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–692) on the resolution (H. Res. 1781) providing for consideration of the Senate amendment to the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; providing for consideration of the Senate amendments to the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles; and providing for consideration of the Senate amendment to the bill (H.R. 2142) to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1771 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1771

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, and providing for consideration of motions to suspend the rules.

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of December 24, 2010.

SEC. 2. It shall be in order at any time through the legislative day of December 24, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1771.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, House Resolution 1771 waives the requirement of clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This would allow for the same-day consideration of any resolution reported through the legislative day of December 24, 2010.

The resolution allows the Speaker to entertain motions to suspend the rules through the legislative day of December 24, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to section 2 of the rule.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Good morning, Madam Speaker. Welcome to this week of Christmas.

I yield myself such time as I may consume.

I want to thank the gentleman from Massachusetts, my friend Mr. MCGOVERN, the vice chairman of the Rules Committee, for bringing this martial law rule to the floor of the House of Representatives today.

□ 1220

Madam Speaker, the 111th Congress is in its final days, or so the body hopes. The rule before us today provides for an expedited same-day consideration of all legislation brought forward until Christmas Eve and extends suspension authority for that same period. This martial law rule consists of the ability of the Democrats to bring 4 more days of expedited consideration on top of the 11 days my colleagues gave themselves on the 8th of December.

This Congress has seen a record number of restrictive rules over the past 2 years. In fact, we have not debated one open rule in this Congress. I don't believe that closing debate, limiting amendments, and shutting down Democrats and Republicans out of their thoughtful solutions on the House floor is what we were promised by Speaker PELOSI. Speaker PELOSI openly told the American people that she would run the most open, honest, and ethical Congress. Madam Speaker, I would say to you that as we started, so are we ending, in chaos.

It seems like every time I come to the House floor I point out that my Democrat colleagues are using an unprecedented, restrictive, and closed process. This is not what the American people wanted, and I believe the American people truly do want their Member of Congress to be able to come to Washington, DC, to fully participate in the process. And unfortunately, we find ourselves here again today with Members simply sitting back in their offices, wondering and waiting what is next, what are we even debating, what are we doing, rather than being actively involved in this democratic process. Madam Speaker, that's why people came to Congress.

This Congress has managed to rack up a record $1.4 trillion deficit in 2009, more than three times the size of the deficit in 2008, and it hit a $1.3 trillion deficit this year. Additionally, we have seen unemployment at or above 9.5 percent across this country for over 18 consecutive months and a national debt that has now ballooned to $13.4 trillion, and yet we see no end to the spending, which is evident by the rule that we are here discussing today. No discipline; no feedback from Members,

Members of this body coming faithfully to do their job, not even knowing what is happening and what is next, purely speculation. No sharing of information; no plan that can be executed based upon the Members of this body understanding what we're doing, where we're going, and what is next.

Madam Speaker, if there ever was a time when the American people need to know what the plan is and Members of Congress need to know what the plan is it would be now. It would be now for us to determine not only how to have fiscal restraint, but also, a majority who offered leadership, leadership on a budget process, leadership on a transparency process, leadership on the ability for Members of Congress to come and effectively represent their district and, perhaps more importantly, not just a budget that was never produced, how about an appropriations bill that was properly done.

Every single business that I know of—State and local government, families, schools—everybody has a budget. Even nonprofits who try and work in the best interest of a smaller group of people recognize you've got to have a plan. That's an exception for this Federal Government. It's an exception by this Congress, and that is not leadership.

As the chairman of the Budget Committee once said, If you can't budget, you cannot govern. I think he's right. That's exactly the truth of what Chairman JOHN SPRATT said. And if the shoe fits, we're wearing it right now. Unfortunately, we've come to expect this behavior from this majority, but, once again, there is always tomorrow. Republicans have made a pledge to America, and we intend to keep it.

I am happy to report that very soon, on or about January 5, 2011, there will be a significant course correction in this House of Representatives. Members will be expected to, and allowed to, read legislation before they cast their votes, take part in the activities of not only their committees, but also come to the Rules Committee with their ideas to take part in the process that they want to do.

I think open rules will make a triumphant return to the House floor, and elected Representatives, Members of Congress, will have a chance to fully contribute in this legislative process. It does not make me happy when I recognize that there is no Member, freshman Member of this body, who has not, for the last 2 years, seen this body work the way it was designed—a legislative process that would be open, a legislative process that would be ethical, and a legislative process that would be transparent for people.

So here we are, once again, the week before Christmas. I can handle that. I'm here ready to work but, like the rest of my colleagues, waiting for a small cadre of people to let us in on the plan.

I urge my colleagues to vote ''no'' on this rule. We've got to return to a process which is prepared for the future and prepared for Members to fully participate.

I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, I regret that the gentleman from Texas will not support this rule so that we can move our legislative business forward, but I'm not surprised because, quite frankly, his party, the Republican Party, has had one goal since President Obama became President of the United States, and that is to obstruct and delay everything, and that's what they've tried to do.

The gentleman talks about democracy. Well, I think the American people are scratching their head as they see what's happening over in the Senate where a minority, not a majority, but a minority determines the agenda. A minority can hold legislation from coming to the floor. That's not the democracy that most people believe our government is about.

I'd also say to the gentleman that we look forward to the next legislative year, and we look forward to the gentleman and his party becoming the leaders of this House. And as someone who has been on the Rules Committee, both in the majority and minority, I don't recall a single instance when the gentleman, when his party was in power, ever voted against a closed rule proposed by the Republican then-majority, but we will see what happens.

And I will also say, Madam Speaker, that one of the things I think that the American people are now beginning to realize is that the Republicans are not at all serious about fiscal discipline. You know, I remind everybody that when Bill Clinton was President, we had record job creation and we had historical fiscal restraint. We actually eliminated the deficit and started paying down the debt.

When George Bush and the Republicans then took over, what ended up happening is they took this record surplus and turned it into historic debt. And how did they do it? Well, they did it through a number of things. Unpaid-for wars is one of them. The other is a Medicare prescription drug bill that, by the way, nobody here had a chance to read, that was voted on in the middle of the night. They kept the vote open 3 hours so that people's arms could be twisted, but it cost twice as much as anybody thought it was going to cost, not paid for.

But the thing that really broke the bank was their unprecedented tax cuts and giveaways to the wealthiest individuals in this country, not paid for, not paid for. And sadly, Madam Speaker, the Republicans in the Senate held unemployment compensation, benefits to the millions of people in this country who are unemployed through no fault of their own, held that hostage so they could get their tax cuts for the rich. And those tax cuts for the rich, by the way, Madam Speaker, are not paid for, not a single offset to pay for those tax cuts for the rich.

□ 1230

Donald Trump gets another tax cut, unpaid for; and guess what, that debt gets piled on the backs of my kids and the kids of every American in this country. It is just not right.

I think the American people are beginning to realize that their real goal is to go after domestic spending in an unprecedented way—Social Security, Medicare, programs that benefit the most vulnerable in our country. They will launch an unprecedented war against the poor in this country. We are going to see early on what their real agenda is. And I bet, Madam Speaker, as polls will reveal, it is not what the American people had in mind. So, again, I regret that the Republicans continue to want to do the same old, same old which is to delay and obstruct and put off and put off. But I think we need to pass this rule.

I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 1771 will be followed by a 5-minute vote on suspending the rules with regard to H.R. 6540.

The vote was taken by electronic device, and there were—yeas 199, nays 151, not voting 83, as follows:

[Roll No. 657]

YEAS—199

Ackerman	Critz	Hare
Altmire	Crowley	Harman
Andrews	Cuellar	Hastings (FL)
Baldwin	Cummings	Heinrich
Barrow	Dahlkemper	Higgins
Bean	Davis (CA)	Hill
Becerra	Davis (TN)	Himes
Berkley	DeFazio	Hinchey
Berman	DeGette	Hinojosa
Bishop (GA)	DeLauro	Hirono
Bishop (NY)	Dicks	Holden
Boccieri	Dingell	Holt
Boren	Doggett	Hoyer
Boswell	Donnelly (IN)	Inslee
Boucher	Driehaus	Israel
Boyd	Edwards (MD)	Jackson (IL)
Brady (PA)	Edwards (TX)	Jackson Lee (TX)
Braley (IA)	Engel	Johnson (GA)
Brown, Corrine	Eshoo	Johnson, E. B.
Butterfield	Etheridge	Kagen
Capps	Farr	Kanjorski
Capuano	Fattah	Kaptur
Cardoza	Filner	Kildee
Carnahan	Foster	Kilroy
Carney	Frank (MA)	Kind
Carson (IN)	Fudge	Kirkpatrick (AZ)
Castor (FL)	Garamendi	Kissell
Chandler	Giffords	Klein (FL)
Clarke	Gonzalez	Kosmas
Clay	Gordon (TN)	Kucinich
Cleaver	Green, Al	Langevin
Cohen	Green, Gene	Larsen (WA)
Conyers	Grijalva	Larson (CT)
Cooper	Gutierrez	Levin
Costa	Hall (NY)	Lewis (GA)
Courtney	Halvorson	

Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Watson
Watt
Waxman
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—151

Aderholt
Akin
Alexander
Austria
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Davis (KY)
Dent
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—83

Adler (NJ)
Arcuri
Baca
Bachmann
Baird
Barrett (SC)
Barton (TX)
Berry
Blumenauer
Bright
Brown-Waite, Ginny
Buyer
Calvert
Camp
Campbell
Cao
Chu
Clyburn
Coble
Connolly (VA)
Costello
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Delahunt
Deutch
Diaz-Balart, L.
Doyle
Ellison
Ellsworth
Fallin
Granger
Grayson
Griffith
Heller
Herseth Sandlin
Hodes
Honda
Inglis
Johnson, Sam
Jones
Kennedy
Kilpatrick (MI)
King (NY)
Lee (CA)
Linder
Lipinski
Lofgren, Zoe
Marchant
McCarthy (CA)
McCarthy (NY)
McMahon
McMorris Rodgers
Meek (FL)
Melancon
Miller, Gary
Minnick
Mitchell
Murphy (NY)
Neal (MA)
Nunes
Ortiz
Pastor (AZ)
Paulsen
Radanovich
Reyes
Rush
Salazar
Sanchez, Loretta
Schock
Shea-Porter
Sires
Smith (WA)
Stark
Stearns
Tanner
Wasserman Schultz
Waters
Weiner
Welch
Young (AK)
Young (FL)

□ 1300

Messrs. DENT, TERRY, DANIEL E. LUNGREN of California, KING of Iowa, and McCAUL changed their vote from ''yea'' to ''nay.''

Mrs. MALONEY changed her vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEFENSE LEVEL PLAYING FIELD ACT

The SPEAKER pro tempore (Mr. HOLDEN). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6540) to require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 325, nays 23, not voting 85, as follows:

[Roll No. 658]

YEAS—325

Ackerman
Akin
Altmire
Andrews
Austria
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McNerney
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Spratt
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—23

Aderholt
Alexander
Bachus
Blackburn
Bonner
Boustany
Brady (TX)
Cassidy
Davis (AL)
Flake
Fleming
Garrett (NJ)
Harper
Hensarling
Herger
McClintock
Miller (FL)
Paul
Rogers (AL)
Ryan (OH)
Scalise
Shadegg
Stutzman

NOT VOTING—85

Adler (NJ)
Arcuri
Baca
Bachmann
Baird
Barrett (SC)
Barton (TX)
Berman
Berry
Bishop (UT)
Blumenauer
Boehner
Bright
Brown-Waite, Ginny
Buyer
Calvert
Camp
Campbell
Cao
Chu
Clyburn
Coble
Costello
Crenshaw
Crowley
Culberson

Davis (IL)	Kucinich	Paulsen
Delahunt	Lee (CA)	Radanovich
Deutch	Linder	Reyes
Diaz-Balart, L.	Lipinski	Rogers (KY)
Doyle	Lofgren, Zoe	Rush
Ellison	Marchant	Salazar
Ellsworth	McCarthy (CA)	Sanchez, Loretta
Fallin	McCarthy (NY)	Schock
Granger	McMahon	Sires
Grayson	McMorris Rodgers	Slaughter
Griffith	Meek (FL)	Smith (WA)
Heller	Melancon	Stark
Herseth Sandlin	Miller, Gary	Stearns
Hodes	Minnick	Tanner
Honda	Mitchell	Wasserman Schultz
Inglis	Murphy (NY)	Waters
Johnson, Sam	Neal (MA)	Young (AK)
Jones	Nunes	Young (FL)
Kennedy	Ortiz	
Kilpatrick (MI)	Pastor (AZ)	
King (NY)		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1306

Messrs. WESTMORELAND and KING of Iowa changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MCMORRIS RODGERS. Mr. Speaker, on rollcall No. 657 on H. Res. 1771, On Agreeing to the Resolution, Waiving a requirement of clause 6(a) of Rule XIII with respect to consideration of certain resolutions reported from the Committee on rules, and providing for consideration of motions to suspend the rules, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted ''nay.''

Mr. Speaker, on rollcall No. 658 on H.R. 6540, On Motion to Suspend the Rules and Pass, Defense Level Playing Field Act, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, I was unavoidably detained and missed rollcall votes 657 and 658. If I had been present, I would have voted ''no'' on rollcall 657 and ''yes'' on rollcall 658.

PERSONAL EXPLANATION

Mr. ELLISON. Mr. Speaker, on December 21, 2010, due to travel delays, I inadvertently missed rollcall Nos. 657 and 658. Had I been present I would have voted ''yes'' on both rollcalls.

PERSONAL EXPLANATION

Mr. GRAYSON. Mr. Speaker, on rollcall Nos. 657 and 658, I was absent because my flight from Orlando had an equipment failure in mid-flight and had to return to Orlando, resulting in a lengthy delay. Had I been present, I would have voted ''aye.''

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 5116, AMERICA COMPETES REAUTHORIZATION ACT OF 2010; PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 2751, FDA FOOD SAFETY MODERNIZATION ACT; AND PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 2142, GPRA MODERNIZATION ACT OF 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1781 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1781

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Science and Technology or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendments. The Senate amendments shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

SEC. 3. Upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2142) to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of I rule XXI, a motion offered by the chair of the Committee on Oversight and Government Reform or his designee that the House concur in the Senate amendment. The Senate amendment shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

□ 1310

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1781.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1781 provides for the consideration of the Senate amendment to H.R. 5116, the America COMPETES Reauthorization Act of 2010. The rule makes in order a motion offered by the chair of the Committee on Science and Technology or his designee that the House concur in the Senate amendment to H.R. 5116. The rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read.

The rule also provides for consideration of the Senate amendments to H.R. 2751, the FDA Food Safety Modernization Act. The rule makes in order a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendments to H.R. 2751. The rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides the Senate amendments shall be considered as read.

The rule also provides for the consideration of the Senate amendment to H.R. 2142, the GPRA Modernization Act of 2010. The rule makes in order a motion offered by the chair of the Committee on Oversight and Government Reform or his designee that the House concur in the Senate amendment to H.R. 2142. The rule provides 1 hour of debate on the motion, equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the motion, except those arising under clause 10 of rule XXI. Finally, the rule provides that the Senate amendment be considered as read.

Mr. Speaker, all three pieces of legislation deserve to be approved by this House.

Mr. Speaker, today we will take up a rule that helps this Congress complete the work the American people sent us here to do.

It has been far too long since this Congress has addressed the issue of food safety. Each year, 76 million Americans are sickened from consuming contaminated food, more than 300,000 people are hospitalized, and 5,000 die. In just the last few years, there has been a string of food-borne illness outbreaks in foods consumed by millions of Americans each day—from contaminated spinach to peanut butter to cookie dough.

This bill puts a new focus on preventing food contamination before it occurs—putting new responsibilities on food producers and requiring them to develop a food safety plan and ensure the plan is working.

By requiring importers to verify the safety of foreign suppliers and imported food, the American people can rest assured that the food they are eating is safe. And this bill allows the FDA to initiate a mandatory recall of a food product when a company fails to voluntarily recall the contaminated product upon FDA's request.

Mr. Speaker, the American people have asked Congress to help keep them safe. The text of this food safety legislation in H.R. 2751 is nearly identical to language passed by the House in the continuing resolution on December 8, 2010, and passed the Senate on November 30, 2010, by a bipartisan vote of 73–25.

H.R. 2751, this stand-alone food safety legislation, passed the Senate by voice vote on December 19, 2010.

Mr. Speaker, this rule also provides for the consideration of H.R. 5116, the America COMPETES Reauthorization Act of 2010. This bill invests in innovation through research and development, to improve the competitiveness of the United States.

Mr. Speaker, the jobs of the future will not just be found in the industries of the past. They will be found in green technologies, biotechnology and advances in medical devices. This bill makes vital investments to keep America competitive in the global economy.

By making investments in the National Science Foundation, the National Institute of Science and Technology and the Department of Energy's Office of Science, America can be put on a path to double our research and development capabilities in 10 years.

This funding will support programs to assist American manufacturers and create a loan guarantee program to support innovation in manufacturing. It will also support research and internship opportunities for high school and undergraduate students, increase graduate fellowships supported by NSF and DOE, and encourage students studying in Science, Technology, Engineering and Math areas to pursue teaching credentials, increasing the pool of qualified teachers for the next generation of young innovators. It will also promote productivity and economic growth by forming an Office of Innovation and Entrepreneurship to foster innovation and the commercialization of new technologies, products, processes, and services.

The Senate took up H.R. 5116, the America COMPETES Reauthorization on December 17, 2010, and passed it with an amendment by unanimous consent.

Mr. Speaker, I believe that we can all get behind a bill that helps keep America driving the pace of technology.

I also believe that we can all get behind the final piece of this rule that allows for consideration of H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act of 2010.

This bill requires each federal agency to draft plans that identify areas where the agency could improve its performance. At a time of year when many of us are making resolutions to better ourselves and to rid ourselves of our bad habits, I think it's fitting that Congress and our Federal government takes a look at itself to see where we can improve.

Mr. Speaker, we were not sent here to be lame ducks. And this Congress has proven to be anything but, despite attempts to slow or cut off the process. This Congress has been one of the most productive in history—at a time when we need to be doing a little less nation-building around the world and more nation-building here at home. These important pieces of legislation will continue that productive work.

I reserve the balance of my time.

Ms. FOXX. I want to thank the gentleman from Massachusetts for yielding time, and I yield myself such time as I may consume.

Mr. Speaker, I rise today very disturbed by the lack of respect the ruling Democrat elites have shown for the will of the American people since election day. Having lost 63 seats in the House and six seats in the Senate, one would think the liberal Democrat regime would think twice about continuing their reckless pattern of spending that has been so overwhelmingly rejected by the American voting public. However, these Washington elites have spent their last days grasping frantically to their waning power and continuing to spend, spend, spend, even in the final hours before Christmas.

This rule is a slap in the face to the institutional integrity of Congress and the way this body is intended to operate.

Mr. Speaker, I have an article that I would like to insert in the RECORD from The Wall Street Journal of November 30. This article talks about what has been happening since we have come back into session, and I think it is something that we need to be talking about.

Also, I want to say that rather than having conference committees meet to work out the differences between the House and Senate versions of bills, Democratic leaders have waited until the last minute and the House will now concur with the Senate-passed measures, sending them to the President.

Thus far in the 111th Congress, only 11 conference reports were considered in the House and 25 amendments between the House and the Senate, which denies the minority a motion to recommit. In the 109th Congress, 25 conference reports were considered and only one amendment between the Houses, on which the Rules Committee made a motion to recommit in order. The 109th was when the Republicans were last in control.

In PELOSI's New Direction for America, page 24, it states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

It is clear that the House Democrats on the Rules Committee have not lived up to this promise. Instead of allowing sufficient time for debate on these separate measures which collectively authorize billions upon billions in new spending and grant Federal regulators even more overreaching power, the Democrat elites are arbitrarily presenting us with one overarching closed rule for three separate and enormous pieces of legislation.

For those reasons, Mr. Speaker, I will urge my colleagues to vote ''no'' on the rule and ''no'' on the underlying bills.

[From the Wall Street Journal, Nov. 30, 2010]

FEDERAL FREEZE PLAY

American Federation of Public Employees President John Gage yesterday derided President Obama's federal pay freeze as a ''slap at working people.'' It might better be described as a small but symbollc first step toward reining in a ballooning federal payroll that is a slap at the non-government workers who pay the bills.

Mr. Obama proposed a two-year pay freeze for all civilian federal employees, a move that will save taxpayers $2 billion in fiscal 2011 and $28 billion over five years. (Congress must approve it.) As cost-cutting goes, this is modest: The freeze doesn't extend to new hiring, bonuses or step increases. It doesn't even match the three-year freeze recommended by the President's deficit commission. But it is more than this Administration has ever been willing to consider, and it suggests that Mr. Obama, post-midterm-shellacking, realizes he must show some willingness to restrain the growth of government.

It certainly needs restraint. As the nearby table shows (see accompanying table—WSJ November 30, 2010), federal employment has grown by a remarkable 17% since 2007 to an estimated 2.1 million nonmilitary full-lime workers (excluding 600,000 postal workers). This is the largest federal work force since 1992, when civilian employment at the Pentagon began to shrink rapidly after the Cold War.

These federal employees operate in a pay-and-benefit universe that no longer exists in the private economy. According to recent analyses by USA Today, total compensation for federal workers has risen 37% over 10 years—after inflation—compared to 8.8% for private workers. Federal workers earned average compensation of $123,000 in 2009, double the private average of $61,000. Unions like to argue that federal jobs are unique, yet in occupations that exist both in government and the private economy—nurses, surveyors, janitors, cooks—the federal government pays 20% more than private firms.

Voters have swept GOP reformers like New Jersey's Chris Christie and Wisconsin's Scott Walker into gubernatorial office precisely to rein in bloated public-employee pensions and salaries. If Mr. Obama is serious about cutting spending, his pay freeze needs to be an opening bid for a leaner, more modestly compensated, federal work force.

With that, Mr. Speaker, I yield 5 minutes to my distinguished colleague from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, once again I must rise in opposition to this rule to reconsider the Senate language from S. 510, the Food Safety Modernization Act—now contained in H.R. 2751, a bill related to the Cash for Clunkers program.

As I have stated before, I believe our Nation has the safest food supply in the world. I also believe that we must continually examine our food production and regulatory system and move forward with changes that improve food safety.

I am very disappointed in the process by which this legislation is being considered. What we have here is another expansion of Federal power without benefit of thorough consideration. This is the stimulus bill, cap-and-trade, and the health care bill all over again.

The House version of this legislation was rolled out in draft form and marked up in the Energy and Commerce Committee over a couple of weeks during the summer of 2009. During all that time, members of the House Agriculture Committee stood ready and willing to work on this legislation. It is unfortunate that, despite a clear jurisdictional claim, the House Agriculture Committee did not demand that the bill be referred, conduct hearings on its provisions, and work our will to make improvements.

During the committee hearing in the summer of 2009 on the general topic of food safety, not a single producer witness would support the bill. It was a stunning failure to fulfill our legislative responsibilities. Despite this, the House Democratic leadership chose to attempt to pass this legislation under a suspension of the rules. Because of the flawed legislative process and lingering concerns about the contents of the bill, it was defeated. Failing to learn the lesson of that vote, within days, the leadership subsequently secured a closed rule denying Members the opportunity to participate in the legislative process and rammed it through the House in the summer of 2009.

□ 1320

They sent the legislation to the Senate, where it languished for over a year.

In the closing days of Congress, the Senate sent us its version of food safety legislation with an unconstitutional revenue measure, which effectively killed the bill. Then the House leadership won another closed rule, which prohibited any reasonable debate on the provisions of the legislation and sent it back to the Senate in a mammoth, irresponsible, long-term continuing resolution, which failed in the Senate.

So now the Senate sent its bill back to us as a free-standing measure. This time, it's stuffed into a Cash for Clunkers bill in order to once again bypass any reasonable debate. And here we are again with the same legislation negotiated outside of regular order. The Senate was originally unwilling to conduct a conference with the House, claiming there wasn't enough time. The Senate continues to offer its bill to us on a take-it-or-leave-it basis.

Mr. Speaker, we've had nearly a month in which this side of the aisle was ready, willing, and able to sit down and resolve our issues and to move forward. Unfortunately, the majority leadership in this season of giving has chosen to once again bypass the normal legislative process, exclude nearly every Member of this body, other than a select few in the Speaker's inner circle, and ram this legislation that, for all intents and purposes, could have been a bipartisan victory. Instead, what we're left with is another example of the sort of nonsense that the voters of America rejected just a few weeks ago. This is no way to do business, and our constituents were not subtle when they spoke last November.

Mr. Speaker, let me return to where I started. We have the safest food supply in the world. Anyone who follows current events knows that our food-producing system faces ongoing safety challenges. Unfortunately, neither this legislation nor the process by which it is being considered will address those challenges. Our Nation's farmers, ranchers, packers, processors, retailers and, most importantly, consumers deserve better.

I urge all of my colleagues to vote ''no'' on this rule.

Mr. MCGOVERN. Mr. Speaker, I don't want to prolong this debate, but if I could just make a couple of observations in the aftermath of the gentleman's speech. I should remind my colleagues that each year, 76 million Americans are sickened by contaminated food that they consumed. More than 300,000 of them are hospitalized and more than 5,000 each year die. We've heard about tainted eggs, tainted spinach, tainted peanut butter, tainted cookie dough. We haven't updated our food safety laws in decades.

So here's the deal. If you want to do a better job of protecting the American consumer, you will have an opportunity, if you vote for this rule, to vote for the food safety bill. If you don't, then vote down the rule and vote against the bill when it comes up.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Mr. LUCAS has spoken very eloquently about one piece of the legislation rolled into this rule. I would like to speak about all three of them, briefly. One piece is H.R. 5116, the COMPETES Act, a behemoth, authorizing nearly $86 billion, which is $22 billion above the fiscal 2010 base amount and $8 billion above the original 10-year ''doubling path.'' This is in addition to the nearly $5 billion in additional funding that was provided in the so-called ''stimulus'' bill.

When H.R. 5116 was authorized in 2007, it enacted approximately 40 new programs. The new spending under H.R. 5116 would create at least seven new government programs, many that are not associated with research and development, and others that are duplicative and unnecessary. This is plain wrong, Mr. Speaker.

It's worth recalling that when H.R. 5116 was originally considered by Congress earlier this year, Republicans attempted to make several constructive changes which were systematically blocked by the ruling liberal majority. One of these changes would have saved billions of taxpayer dollars by reducing the authorization levels to FY 2010 levels and freezing them for 3 years. However, in an effort to obstruct Republicans, the liberal Democrat elites did the American people disservice by using a series of parliamentary tricks to shove their bill through without allowing any Republican input.

Mr. Speaker, in these difficult economic times, American families across the country are tightening their belts and cutting their spending. Why then are the Democratic elites increasing spending by $22 billion with this legislation and creating new duplicative government programs? The American taxpayers cannot afford this bill.

The second bill encompassed by this closed rule which the Democrat elites have brought before us today is H.R. 2751, the FDA Food Safety Modernization Act, again, which my colleague from Oklahoma (Mr. LUCAS) has spoken on so eloquently. This bill increases spending by $1.4 billion, subsequently increasing the price of food and increasing the size of government without actually improving food safety.

This hastily considered closed rule provides for consideration of yet another bill, H.R. 2142, the Government Efficiency, Effectiveness, and Performance Act of 2010, which is so riddled with problems that last week it failed to garner the votes necessary to pass under a suspension of the rules. Instead of taking this as an opportunity to fix the flaws and address the other concerns prompting the bill's failure, the ruling liberal Democrats predictably chose to ram it through by any means necessary. And since they've wasted so much time tilting at windmills, they find themselves here in the waning days of this lame duck Congress scrambling to address issues that should've been dealt with through a responsible legislative process.

As they wait for the Senate to act, they're refusing to yield any free moment to pursue one of their last opportunities to slam through another so-called rule—unworthy even to be called a rule—providing for consideration of flawed legislation, such as H.R. 2142.

This bill would amend the Government Performance and Results Act of 1993, GPRA, a law which currently requires agencies to develop 5-year strategic plans, annual performance plans, and actual program performance reports. Unfortunately, under the rules of debate provided for by this rule, the ruling Democrat majority refuses to allow Members to offer these types of

real reform ideas or any other amendments, leaving this legislation unlikely to do anything to change the incentives facing decision-makers and will not end the perpetual funding of failing Federal programs.

As has been made perfectly clear to the ruling liberal Democrat leadership, many are concerned that although there's no cost estimate available for this version of the bill, it authorizes $75 million over 5 years to establish agency performance officers and interagency councils, but does not contain an effective means to consolidate or eliminate ineffective programs at each agency. If you add the 17,800 employees that the food safety bill is contemplating and then the new employees that will be required under the GPRA bill, we are adding to the number of Federal employees. But we should be decreasing the number of Federal employees.

I want to talk a minute about what has happened in terms of Federal employees since the Democrats took over the Congress. In 2007, there were a total of 1,832,000 executive branch employees and in the civilian agencies there were 1,173,000. In 2010, it goes to 2,148,000 and 1,428,000. Federal employment has grown by a remarkable 17 percent since 2007, to an estimated 2.1 million nonmilitary full-time workers. This is the largest workforce since 1992.

Also, Mr. Speaker, according to a recent analysis by USA Today, total compensation for Federal workers has risen 37 percent over 10 years, after inflation, compared to 8.8 percent for private workers. Federal workers earned an average compensation of $123,000 in 2009—double the private average of $61,000.

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Mr. Speaker, our country cannot afford this expansion of the Federal Government. We need to be reducing the Federal Government, not expanding it.

I would like to say further this version of the bill does not contain an amendment considered in committee markup by Republican Representative SCHOCK and supported by Democrat Congressmen COOPER and QUIGLEY that would have established a more thorough process for evaluating agency performance and eliminating programs that failed performance standards, were found to be duplicative or determined to be unnecessary.

H.R. 2142 mandates the creation of several new government-wide and agency-specific management plans. However, it does not—does not—increase executive accountability for failing programs.

Mr. Speaker, again, this bill is going in the wrong direction. What it does is it allows agencies to design their performance plans and then to measure their own results, using their own performance indicators. Rather than requiring agencies to focus on achieving measurable outcomes, the bill makes the creation of outcome-oriented performance measures optional. This would be like, Mr. Speaker, letting students set the criteria for getting their own grades, and we all know that doesn't work very well.

Strangely enough, also in the process, the bill directs agencies to ''identify low-priority program activities,'' which is ridiculous because, even if agencies had an incentive to label their own programs as ''low priority,'' they do not. This begs the question of why such programs are funded at all.

Mr. Speaker, the evidence is in. The liberal Democrat agenda has failed. They need to go back to the drawing board and come back to the American people with real solutions to their real problems. This isn't the time to dither and blame the Republican minority for the disappointing collapse of governance we have seen since the liberal majority seized control of Congress in 2007.

I urge my colleagues to take this opportunity to force the ruling liberal Democrats to rethink their misguided proposals by rejecting this rule and the underlying legislation and by protesting the liberal agenda that continues to distract from private-sector job creation and from getting the economy back on its feet.

I yield back the balance of my time.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, oh, my goodness. There are a lot of things that come before the Members of this body that, I think, are worth getting all worked up about and that, I think, sometimes understandably lead to partisan bickering; but as to what we are talking about here today, to me and to, I think, most people who are watching, this should be fairly noncontroversial.

What we are talking about is a rule that will allow us to consider three bills. One is called the America COMPETES Reauthorization Act of 2010.

What does this radical bill do?

It authorizes funding increases for the National Science Foundation, the National Institutes for Science and Technology, and the Department of Energy's Office of Science for fiscal years 2010–2013, on a path toward increasing substantially our investment in research and development over the next 10 years. It is not even an appropriation. It is an authorization.

So the Appropriations Committee next year can work their will and decide whether to invest more in science so that we can compete in this global economy, or will we not invest in science and actually do what some of my friends on the other side of the aisle will tell you about taking a meat ax to these programs, you know, and putting ourselves at a competitive disadvantage?

This is a bill about supporting and expanding American energy technology so we are not so reliant on foreign oil and so we don't go to war over oil. It is a national security issue, but this somehow is a controversial bill. This should pass easily.

The other bill that is so radical, according to my colleague on the Republican side of the aisle, is called the Government Efficiency, Effectiveness, and Performance Improvement Act.

What does this bill do?

It basically says to agencies and departments, look, you need to work to come up with a plan to prevent unnecessary and wasteful spending and to help eliminate Federal Government waste by working with us to help us find where those wasteful areas are.

Now, this is what is causing such consternation on the other side of the aisle? I mean, rather than just taking a meat ax and saying an arbitrary percentage cut across the board, what this bill says is let's think about what we're doing. Maybe we can cut 5 percent; maybe we can cut 10 percent; maybe we can cut even more.

Well, let's do this in a sensible way where we don't adversely impact services that directly impact the American people for the good. Let's have a plan. Let's just not do this senselessly. Let's do this sensibly. Somehow, this radical, awful bill has caused all this noise by my colleague on the other side of the aisle.

The final bill is the Food Safety Modernization Act. Mr. Speaker, as I said earlier—and it's worth repeating—in this country, literally 76 million Americans on a yearly basis are sickened by contaminated food that they digest—76 million Americans a year. More than 300,000 of them end up going to hospitals on a yearly basis, and 5,000 die.

So what is this Congress trying to do?

We are trying to find a way to protect consumers, and my colleague on the other side of the aisle is all upset about it. Oh, boy. What a terrible, awful idea to protect the health and well-being of the citizens of this country by updating our food safety rules and regulations, which haven't been updated in almost 30 years.

Come on. I mean let's move forward with this rule. Let's consider these bills. I am sure they all will pass.

With that, Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to House Resolution 1781, I call up the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment:

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—this Act may be cited as the ''America COMPETES Reauthorization Act of 2010'' or the ''America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) DIRECTOR.—In title I, the term ''Director'' means the Director of the Office of Science and Technology Policy.

(2) STEM.—The term ''STEM'' means the academic and professional disciplines of science, technology, engineering, and mathematics.

SEC. 3. BUDGETARY IMPACT STATEMENT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—OFFICE OF SCIENCE AND TECHNOLOGY POLICY

SEC. 101. COORDINATION OF FEDERAL STEM EDUCATION.

(a) ESTABLISHMENT.—The Director shall establish a committee under the National Science and Technology Council, including the Office of Management and Budget, with the responsibility to coordinate Federal programs and activities in support of STEM education, including at the National Science Foundation, the Department of Energy, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Education, and all other Federal agencies that have programs and activities in support of STEM education.

(b) RESPONSIBILITIES.—The committee established under subsection (a) shall—

(1) coordinate the STEM education activities and programs of the Federal agencies;

(2) coordinate STEM education activities and programs with the Office of Management and Budget;

(3) encourage the teaching of innovation and entrepreneurship as part of STEM education activities;

(4) review STEM education activities and programs to ensure they are not duplicative of similar efforts within the Federal government;

(5) develop, implement through the participating agencies, and update once every 5 years a 5-year STEM education strategic plan, which shall—

(A) specify and prioritize annual and long-term objectives;

(B) specify the common metrics that will be used to assess progress toward achieving the objectives;

(C) describe the approaches that will be taken by each participating agency to assess the effectiveness of its STEM education programs and activities; and

(D) with respect to subparagraph (A), describe the role of each agency in supporting programs and activities designed to achieve the objectives; and

(6) establish, periodically update, and maintain an inventory of federally sponsored STEM education programs and activities, including documentation of assessments of the effectiveness of such programs and activities and rates of participation by women, underrepresented minorities, and persons in rural areas in such programs and activities.

(b) RESPONSIBILITIES OF OSTP.—The Director shall encourage and monitor the efforts of the participating agencies to ensure that the strategic plan under subsection (b)(5) is developed and executed effectively and that the objectives of the strategic plan are met.

(c) REPORT.—The Director shall transmit a report annually to Congress at the time of the President's budget request describing the plan required under subsection (b)(5). The annual report shall include—

(1) a description of the STEM education programs and activities for the previous and current fiscal years, and the proposed programs and activities under the President's budget request, of each participating Federal agency;

(2) the levels of funding for each participating Federal agency for the programs and activities described under paragraph (1) for the previous fiscal year and under the President's budget request;

(3) an evaluation of the levels of duplication and fragmentation of the programs and activities described under paragraph (1);

(4) except for the initial annual report, a description of the progress made in carrying out the implementation plan, including a description of the outcome of any program assessments completed in the previous year, and any changes made to that plan since the previous annual report; and

(5) a description of how the participating Federal agencies will disseminate information about federally supported resources for STEM education practitioners, including teacher professional development programs, to States and to STEM education practitioners, including to teachers and administrators in schools that meet the criteria described in subsection (c)(1)(A) and (B) of section 3175 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381j(c)(1)(A) and (B)).

SEC. 102. COORDINATION OF ADVANCED MANUFACTURING RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COMMITTEE.—The Director shall establish or designate a Committee on Technology under the National Science and Technology Council. The Committee shall be responsible for planning and coordinating Federal programs and activities in advanced manufacturing research and development.

(b) RESPONSIBILITIES OF COMMITTEE.—The Committee shall—

(1) coordinate the advanced manufacturing research and development programs and activities of the Federal agencies;

(2) establish goals and priorities for advanced manufacturing research and development that will strengthen United States manufacturing;

(3) work with industry organizations, Federal agencies, and Federally Funded Research and Development Centers not represented on the Committee, to identify and reduce regulatory, logistical, and fiscal barriers within the Federal government and State governments that inhibit United States manufacturing;

(4) facilitate the transfer of intellectual property and technology based on federally supported university research into commercialization and manufacturing;

(5) identify technological, market, or business challenges that may best be addressed by public-private partnerships, and are likely to attract both participation and primary funding from industry;

(6) encourage the formation of public-private partnerships to respond to those challenges for transition to United States manufacturing; and

(7) develop, and update every 5 years, a strategic plan to guide Federal programs and activities in support of advanced manufacturing research and development, which shall—

(A) specify and prioritize near-term and long-term research and development objectives, the anticipated time frame for achieving the objectives, and the metrics for use in assessing progress toward the objectives;

(B) specify the role of each Federal agency in carrying out or sponsoring research and development to meet the objectives of the strategic plan;

(C) describe how the Federal agencies and Federally Funded Research and Development Centers supporting advanced manufacturing research and development will foster the transfer of research and development results into new manufacturing technologies and United States based manufacturing of new products and processes for the benefit of society to ensure national, energy, and economic security;

(D) describe how Federal agencies and Federally Funded Research and Development Centers supporting advanced manufacturing research and development will strengthen all levels of manufacturing education and training programs to ensure an adequate, well-trained workforce;

(E) describe how the Federal agencies and Federally Funded Research and Development Centers supporting advanced manufacturing research and development will assist small- and medium-sized manufacturers in developing and implementing new products and processes; and

(F) take into consideration the recommendations of a wide range of stakeholders, including representatives from diverse manufacturing companies, academia, and other relevant organizations and institutions.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit the strategic plan developed under subsection (b)(7) to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science and Technology, and shall transmit subsequent updates to those committees as appropriate.

SEC. 103. INTERAGENCY PUBLIC ACCESS COMMITTEE.

(a) ESTABLISHMENT.—The Director shall establish a working group under the National Science and Technology Council with the responsibility to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

(b) RESPONSIBILITIES.—The working group shall—

(1) identify the specific objectives and public interests that need to be addressed by any policies coordinated under (a);

(2) take into account inherent variability among Federal science agencies and scientific disciplines in the nature of research, types of data, and dissemination models;

(3) coordinate the development or designation of standards for research data, the structure of full text and metadata, navigation tools, and other applications to maximize interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards;

(4) coordinate Federal science agency programs and activities that support research and education on tools and systems required to ensure preservation and stewardship of all forms of digital research data, including scholarly publications;

(5) work with international science and technology counterparts to maximize interoperability between United States based unclassified research databases and international databases and repositories;

(6) solicit input and recommendations from, and collaborate with, non-Federal stakeholders, including the public, universities, nonprofit and for-profit publishers, libraries, federally funded and non federally funded research scientists, and other organizations and institutions with a stake in long term preservation and access to the results of federally funded research;

(7) establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to maximize the benefits of such policies with respect to their potential economic or other impact on the science and engineering enterprise and the stakeholders thereof;

(8) take into consideration the distinction between scholarly publications and digital data;

(9) take into consideration the role that scientific publishers play in the peer review process in ensuring the integrity of the record of scientific research, including the investments and added value that they make; and

(10) examine Federal agency practices and procedures for providing research reports to the agencies charged with locating and preserving unclassified research.

(c) PATENT OR COPYRIGHT LAW.—Nothing in this section shall be construed to undermine any right under the provisions of title 17 or 35, United States Code.

(d) APPLICATION WITH EXISTING LAW.—Nothing defined in section (b) shall be construed to affect existing law with respect to Federal science agencies' policies related to public access.

(e) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Director shall transmit a report to Congress describing—

(1) the specific objectives and public interest identified under (b)(1);

(2) any priorities established under subsection (b)(7);

(3) the impact the policies described under (a) have had on the science and engineering enterprise and the stakeholders, including the financial impact on research budgets;

(4) the status of any Federal science agency policies related to public access to the results of federally funded research; and

(5) how any policies developed or being developed by Federal science agencies, as described in subsection (a), incorporate input from the non-Federal stakeholders described in subsection (b)(6).

(f) FEDERAL SCIENCE AGENCY DEFINED.—For the purposes of this section, the term ''Federal science agency'' means any Federal agency with an annual extramural research expenditure of over $100,000,000.

SEC. 104. FEDERAL SCIENTIFIC COLLECTIONS.

(a) MANAGEMENT OF SCIENTIFIC COLLECTIONS.—The Office of Science and Technology Policy shall develop policies for the management and use of Federal scientific collections to improve the quality, organization, access, including online access, and long-term preservation of such collections for the benefit of the scientific enterprise. In developing those policies the Office of Science and Technology Policy shall consult, as appropriate, with—

(1) Federal agencies with such collections; and

(2) representatives of other organizations, institutions, and other entities not a part of the Federal Government that have a stake in the preservation, maintenance, and accessibility of such collections, including State and local government agencies, institutions of higher education, museums, and other entities engaged in the acquisition, holding, management, or use of scientific collections.

(b) CLEARINGHOUSE.—The Office of Science and Technology Policy, in consultation with relevant Federal agencies, shall ensure the development of an online clearinghouse for information on the contents of and access to Federal scientific collections.

(c) DISPOSAL OF COLLECTIONS.—The policies developed under subsection (a) shall—

(1) require that, before disposing of a scientific collection, a Federal agency shall—

(A) conduct a review of the research value of the collection; and

(B) consult with researchers who have used the collection, and other potentially interested parties, concerning—

(i) the collection's value for research purposes; and

(ii) possible additional educational uses for the collection; and

(2) include procedures for Federal agencies to transfer scientific collections they no longer need to researchers at institutions or other entities qualified to manage the collections.

(d) COST PROJECTIONS.—The Office of Science and Technology Policy, in consultation with

relevant Federal agencies, shall develop a common set of methodologies to be used by Federal agencies for the assessment and projection of costs associated with the management and preservation of their scientific collections.

(e) SCIENTIFIC COLLECTION DEFINED.—In this section, the term ''scientific collection'' means a set of physical specimens, living or inanimate, created for the purpose of supporting science and serving as a long-term research asset, rather than for their market value as collectibles or their historical, artistic, or cultural significance, and, as appropriate and feasible, the associated specimen data and materials.

SEC. 105. PRIZE COMPETITIONS.

(a) IN GENERAL.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following:

''SEC. 24. PRIZE COMPETITIONS.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means a Federal agency.

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Science and Technology Policy.

''(3) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given under section 4, except that term shall not include any agency of the legislative branch of the Federal Government.

''(4) HEAD OF AN AGENCY.—The term 'head of an agency' means the head of a Federal agency.

''(b) IN GENERAL.—Each head of an agency, or the heads of multiple agencies in cooperation, may carry out a program to award prizes competitively to stimulate innovation that has the potential to advance the mission of the respective agency.

''(c) PRIZES.—For purposes of this section, a prize may be one or more of the following:

''(1) A point solution prize that rewards and spurs the development of solutions for a particular, well-defined problem.

''(2) An exposition prize that helps identify and promote a broad range of ideas and practices that may not otherwise attract attention, facilitating further development of the idea or practice by third parties.

''(3) Participation prizes that create value during and after the competition by encouraging contestants to change their behavior or develop new skills that may have beneficial effects during and after the competition.

''(4) Such other types of prizes as each head of an agency considers appropriate to stimulate innovation that has the potential to advance the mission of the respective agency.

''(d) TOPICS.—In selecting topics for prize competitions, the head of an agency shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

''(e) ADVERTISING.—The head of an agency shall widely advertise each prize competition to encourage broad participation.

''(f) REQUIREMENTS AND REGISTRATION.—For each prize competition, the head of an agency shall publish a notice in the Federal Register announcing—

''(1) the subject of the competition;

''(2) the rules for being eligible to participate in the competition;

''(3) the process for participants to register for the competition;

''(4) the amount of the prize; and

''(5) the basis on which a winner will be selected.

''(g) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

''(1) shall have registered to participate in the competition under any rules promulgated by the head of an agency under subsection (f);

''(2) shall have complied with all the requirements under this section;

''(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

''(4) may not be a Federal entity or Federal employee acting within the scope of their employment.

''(h) CONSULTATION WITH FEDERAL EMPLOYEES.—An individual or entity shall not be deemed ineligible under subsection (g) because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

''(i) LIABILITY.—

''(1) IN GENERAL.—

''(A) DEFINITION.—In this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(B) LIABILITY.—Registered participants shall be required to agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether the injury, death, damage, or loss arises through negligence or otherwise.

''(2) INSURANCE.—Participants shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the head of an agency, for claims by—

''(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

''(B) the Federal Government for damage or loss to Government property resulting from such an activity.

''(3) EXCEPTION.—The head of an agency may not require a participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the agency of the intellectual property, trade secrets, or confidential business information of the participant.

''(j) INTELLECTUAL PROPERTY.—

''(1) PROHIBITION ON THE GOVERNMENT ACQUIRING INTELLECTUAL PROPERTY RIGHTS.—The Federal Government may not gain an interest in intellectual property developed by a participant in a competition without the written consent of the participant.

''(2) LICENSES.—The Federal Government may negotiate a license for the use of intellectual property developed by a participant for a competition.

''(k) JUDGES.—

''(1) IN GENERAL.—For each competition, the head of an agency, either directly or through an agreement under subsection (l), shall appoint one or more qualified judges to select the winner or winners of the prize competition on the basis described under subsection (f). Judges for each competition may include individuals from outside the agency, including from the private sector.

''(2) RESTRICTIONS.—A judge may not—

''(A) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

''(B) have a familial or financial relationship with an individual who is a registered participant.

''(3) GUIDELINES.—The heads of agencies who carry out competitions under this section shall develop guidelines to ensure that the judges appointed for such competitions are fairly balanced and operate in a transparent manner.

''(4) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any committee, board, commission, panel, task force, or similar entity, created solely for the purpose of judging prize competitions under this section.

''(l) ADMINISTERING THE COMPETITION.—The head of an agency may enter into an agreement with a private, nonprofit entity to administer a prize competition, subject to the provisions of this section.

''(m) FUNDING.—

''(1) IN GENERAL.—Support for a prize competition under this section, including financial support for the design and administration of a prize or funds for a monetary prize purse, may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The head of an agency may accept funds from other Federal agencies to support such competitions. The head of an agency may not give any special consideration to any private sector entity in return for a donation.

''(2) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended. No provision in this section permits obligation or payment of funds in violation of section 1341 of title 31, United States Code.

''(3) AMOUNT OF PRIZE.—

''(A) ANNOUNCEMENT.—No prize may be announced under subsection (f) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source.

''(B) INCREASE IN AMOUNT.—The head of an agency may increase the amount of a prize after an initial announcement is made under subsection (f) only if—

''(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

''(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

''(4) LIMITATION ON AMOUNT.—

''(A) NOTICE TO CONGRESS.—No prize competition under this section may offer a prize in an amount greater than $50,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.

''(B) APPROVAL OF HEAD OF AGENCY.—No prize competition under this section may result in the award of more than $1,000,000 in cash prizes without the approval of the head of an agency.

''(n) GENERAL SERVICE ADMINISTRATION ASSISTANCE.—Not later than 180 days after the date of the enactment of the America COMPETES Reauthorization Act of 2010, the General Services Administration shall provide government wide services to share best practices and assist agencies in developing guidelines for issuing prize competitions. The General Services Administration shall develop a contract vehicle to provide agencies access to relevant products and services, including technical assistance in structuring and conducting prize competitions to take maximum benefit of the marketplace as they identify and pursue prize competitions to further the policy objectives of the Federal Government.

''(o) COMPLIANCE WITH EXISTING LAW.—

''(1) IN GENERAL.— The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.

''(2) OTHER PRIZE AUTHORITY.—Nothing in this section affects the prize authority authorized by any other provision of law.

''(p) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than March 1 of each year, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the activities carried out during the preceding fiscal year under the authority in subsection (b).

''(2) INFORMATION INCLUDED.—The report for a fiscal year under this subsection shall include, for each prize competition under subsection (b), the following:

''(A) PROPOSED GOALS.—A description of the proposed goals of each prize competition.

''(B) PREFERABLE METHOD.—An analysis of why the utilization of the authority in subsection (b) was the preferable method of achieving the goals described in subparagraph (A) as opposed to other authorities available to the agency, such as contracts, grants, and cooperative agreements.

''(C) AMOUNT OF CASH PRIZES.—The total amount of cash prizes awarded for each prize competition, including a description of amount of private funds contributed to the program, the sources of such funds, and the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the agency for recording as obligations and expenditures.

''(D) SOLICITATIONS AND EVALUATION OF SUBMISSIONS.—The methods used for the solicitation and evaluation of submissions under each prize competition, together with an assessment of the effectiveness of such methods and lessons learned for future prize competitions.

''(E) RESOURCES.—A description of the resources, including personnel and funding, used in the execution of each prize competition together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the agency for recording as obligations and expenditures.

''(F) RESULTS.—A description of how each prize competition advanced the mission of the agency concerned.''.

(b) REPEAL OF SPACE ACT LIMITATION.—Section 314(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f–1 is amended by striking ''The Administration may carry out a program to award prizes only in conformity with this section.''.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 201. NASA'S CONTRIBUTION TO INNOVATION AND COMPETITIVENESS.

It is the sense of Congress that a renewed emphasis on technology development would enhance current mission capabilities and enable future missions, while encouraging NASA, private industry, and academia to spur innovation. NASA's Innovative Partnership Program is a valuable mechanism to accelerate technology maturation and encourage the transfer of technology into the private sector.

SEC. 202. NASA'S CONTRIBUTION TO EDUCATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that NASA is uniquely positioned to interest students in science, technology, engineering, and mathematics, not only by the example it sets, but through its education programs.

(b) EDUCATIONAL PROGRAM GOALS.—NASA shall develop and maintain educational programs—

(1) to carry out and support research based programs and activities designed to increase student interest and participation in STEM, including students from minority and underrepresented groups;

(2) to improve public literacy in STEM;

(3) that employ proven strategies and methods for improving student learning and teaching in STEM;

(4) to provide curriculum support materials and other resources that—

(A) are designed to be integrated with comprehensive STEM education;

(B) are aligned with national science education standards;

(C) promote the adoption and implementation of high-quality education practices that build toward college and career-readiness; and

(5) to create and support opportunities for enhanced and ongoing professional development for teachers using best practices that improve the STEM content and knowledge of the teachers, including through programs linking STEM teachers with STEM educators at the higher education level.

SEC. 203. ASSESSMENT OF IMPEDIMENTS TO SPACE SCIENCE AND ENGINEERING WORKFORCE DEVELOPMENT FOR MINORITY AND UNDERREPRESENTED GROUPS AT NASA.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement for an independent assessment of any impediments to space science and engineering workforce development for minority and underrepresented groups at NASA, including recommendations on—

(1) measures to address such impediments;

(2) opportunities for augmenting the impact of space science and engineering workforce development activities and for expanding proven, effective programs; and

(3) best practices and lessons learned, as identified through the assessment, to help maximize the effectiveness of existing and future programs to increase the participation of minority and underrepresented groups in the space science and engineering workforce at NASA.

(b) REPORT.—A report on the assessment carried out under subsection (a) shall be transmitted to the House of Representatives Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation not later than 15 months after the date of enactment of this Act.

(c) IMPLEMENTATION.—To the extent practicable, the Administrator shall take all necessary steps to address any impediments identified in the assessment.

SEC. 204. INTERNATIONAL SPACE STATION'S CONTRIBUTION TO NATIONAL COMPETITIVENESS ENHANCEMENT.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the International Space Station represents a valuable and unique national asset which can be utilized to increase educational opportunities and scientific and technological innovation which will enhance the Nation's economic security and competitiveness in the global technology fields of endeavor. If the period for active utilization of the International Space Station is extended to at least the year 2020, the potential for such opportunities and innovation would be increased. Efforts should be made to fully realize that potential.

(b) EVALUATION AND ASSESSMENT OF NASA'S INTERAGENCY CONTRIBUTION.—Pursuant to the authority provided in title II of the America COMPETES Act (Public Law 110–69), the Administrator shall evaluate and, where possible, expand efforts to maximize NASA's contribution to interagency efforts to enhance science, technology, engineering, and mathematics education capabilities, and to enhance the Nation's technological excellence and global competitiveness. The Administrator shall identify these enhancements in the annual reports required by section 2001(e) of that Act (42 U.S.C. 16611a(e)).

(c) REPORT TO THE CONGRESS.—Within 120 days after the date of enactment of this Act, the Administrator shall provide to the House of Representatives Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation a report on the assessment made pursuant to subsection (a). The report shall include—

(1) a description of current and potential activities associated with utilization of the International Space Station which are supportive of the goals of educational excellence and innovation and competitive enhancement established or reaffirmed by this Act, including a summary of the goals supported, the number of individuals or organizations participating in or benefiting from such activities, and a summary of how such activities might be expanded or improved upon;

(2) a description of government and private partnerships which are, or may be, established to effectively utilize the capabilities represented by the International Space Station to enhance United States competitiveness, innovation and science, technology, engineering, and mathematics education; and

(3) a summary of proposed actions or activities to be undertaken to ensure the maximum utilization of the International Space Station to contribute to fulfillment of the goals and objectives of this Act, and the identification of any additional authority, assets, or funding that would be required to support such activities.

SEC. 205. STUDY OF POTENTIAL COMMERCIAL ORBITAL PLATFORM PROGRAM IMPACT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) IN GENERAL.—Section 1003 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18421) is amended to read as follows:

''SEC. 1003. STUDY OF POTENTIAL COMMERCIAL ORBITAL PLATFORM PROGRAM IMPACT ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

''A fundamental and unique capability of NASA is in stimulating science, technology, engineering, and mathematics education in the United States. In ensuring maximum use of that capability, the Administrator shall carry out a study to—

''(1) identify the benefits of and lessons learned from ongoing and previous NASA orbital student programs including, at a minimum, the Get Away Special (GAS) and Earth Knowledge Acquired by Middle School Students (EarthKAM) programs, on science, technology, engineering, and mathematics education;

''(2) assess the potential impacts on science, technology, engineering, and mathematics education of a program that would facilitate the development of scientific and educational payloads involving United States students and educators and the flights of those payloads on commercially available orbital platforms, when available and operational, with the goal of providing frequent and regular payload launches;

''(3) identify NASA expertise, such as NASA science, engineering, payload development, and payload operations, that could be made available to facilitate a science, technology, engineering, and mathematics program using commercial orbital platforms; and

''(4) identify the issues that would need to be addressed before NASA could properly assess the merits and feasibility of the program described in paragraph (2).''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 12, 2010.

SEC. 206. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.

(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

TITLE III—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 301. OCEANIC AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.

Section 4001 of the America COMPETES Act (33 U.S.C. 893) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Administrator''; and

(2) by adding at the end the following:

''(b) OCEANIC AND ATMOSPHERIC RESEARCH AND DEVELOPMENT PROGRAM.—The Administrator shall implement programs and activities—

''(1) to identify emerging and innovative research and development priorities to enhance United States competitiveness, support development of new economic opportunities based on NOAA research, observations, monitoring modeling, and predictions that sustain ecosystem services;

''(2) to promote United States leadership in oceanic and atmospheric science and competitiveness in the applied uses of such knowledge, including for the development and expansion of economic opportunities; and

''(3) to advance ocean, coastal, Great Lakes, and atmospheric research and development, including potentially transformational research, in collaboration with other relevant Federal agencies, academic institutions, the private sector, and nongovernmental programs, consistent with NOAA's mission to understand, observe, and model the Earth's atmosphere and biosphere, including the oceans, in an integrated manner.

''(c) REPORT.—No later than 12 months after the date of enactment of the America COMPETES Reauthorization Act of 2010, the Administrator, in consultation with the National Science Foundation or other such agencies with mature transformational research portfolios, shall develop and submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology that describes NOAA's strategy for enhancing transformational research in its research and development portfolio to increase United States competitiveness in oceanic and atmospheric science and technology. The report shall—

''(1) define 'transformational research';

''(2) identify emerging and innovative areas of research and development where transformational research has the potential to make significant and revolutionary –advancements in both understanding and U.S. science leadership;

''(3) describe how transformational research priorities are identified and appropriately –balanced in the context of NOAA's broader research portfolio;

''(4) describe NOAA's plan for developing a competitive peer review and priority-setting –process, funding mechanisms, performance and evaluation measures, and transition-to-operation guidelines for transformational research; and

''(5) describe partnerships with other agencies involved in transformational research.''.

SEC. 302. OCEANIC AND ATMOSPHERIC SCIENCE EDUCATION PROGRAMS.

Section 4002 of the America COMPETES Act (33 U.S.C. 893a) is amended—

(1) by striking ''the agency.'' in subsection (a) and inserting ''agency, with consideration given to the goal of promoting the participation of individuals from underrepresented groups in STEM fields and in promoting the acquisition and retention of highly qualified and motivated young scientists to complement and supplement workforce needs.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) EDUCATIONAL PROGRAM GOALS.—The education programs developed by NOAA shall, to the extent applicable—

''(1) carry out and support research based programs and activities designed to increase student interest and participation in STEM;

''(2) improve public literacy in STEM;

''(3) employ proven strategies and methods for improving student learning and teaching in STEM;

''(4) provide curriculum support materials and other resources that—

''(A) are designed to be integrated with comprehensive STEM education;

''(B) are aligned with national science education standards; and

''(C) promote the adoption and implementation of high-quality education practices that build toward college and career-readiness; and

''(5) create and support opportunities for enhanced and ongoing professional development for teachers using best practices that improves the STEM content and knowledge of the teachers, including through programs linking STEM teachers with STEM educators at the higher education level.'';

(4) by striking ''develop'' in subsection (c), as redesignated, and inserting ''maintain''; and

(5) by adding at the end thereof the following:

''(e) STEM DEFINED.—In this section, the term 'STEM' means the academic and professional disciplines of science, technology, engineering, and mathematics.''.

SEC. 303. WORKFORCE STUDY.

(a) IN GENERAL.—The Secretary of Commerce, in cooperation with the Secretary of Education, shall request the National Academy of Sciences to conduct a study on the scientific workforce in the areas of oceanic and atmospheric research and development. The study shall investigate—

(1) whether there is a shortage in the number of individuals with advanced degrees in oceanic and atmospheric sciences who have the ability to conduct high quality scientific research in physical and chemical oceanography, meteorology, and atmospheric modeling, and related fields, for government, nonprofit, and private sector entities;

(2) what Federal programs are available to help facilitate the education of students hoping to pursue these degrees;

(3) barriers to transitioning highly qualified oceanic and atmospheric scientists into Federal civil service scientist career tracks;

(4) what institutions of higher education, the private sector, and the Congress could do to increase the number of individuals with such post baccalaureate degrees;

(5) the impact of an aging Federal scientist workforce on the ability of Federal agencies to conduct high quality scientific research; and

(6) what actions the Federal government can take to assist the transition of highly qualified scientists into Federal career scientist positions and ensure that the experiences of retiring Federal scientists are adequately documented and transferred prior to retirement from Federal service.

(b) COORDINATION.—The Secretary of Commerce and the Secretary of Education shall consult with the heads of other Federal agencies and departments with oceanic and atmospheric expertise or authority in preparing the specifications for the study.

(c) REPORT.—No later than 18 months after the date of enactment of this Act, the Secretary of Commerce and the Secretary of Education shall transmit a joint report to each committee of Congress with jurisdiction over the programs described in 4002(b) of the America COMPETES Act (33 U.S.C. 893a(b)), as amended by section 302 of this Act, detailing the findings and recommendations of the study and setting forth a prioritized plan to implement the recommendations.

(d) PROGRAM AND PLAN.—The Administrator of the National Oceanic and Atmospheric Administration shall evaluate the National Academy of Sciences study and develop a workforce program and plan to institutionalize the Administration's Federal science career pathways and address aging workforce issues. The program and plan shall be developed in consultation with the Administration's cooperative institutes and other academic partners to identify and implement programs and mechanisms to ensure that—

(1) sufficient highly qualified scientists are able to transition into Federal career scientist positions in the Administration's laboratories and programs; and

(2) the technical and management experiences of senior employees are documented and transferred before leaving Federal service.

TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Institute of Standards and Technology Authorization Act of 2010''.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $918,900,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $584,500,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $124,800,000 shall be authorized for the construction and maintenance of facilities; and

(C) $209,600,000 shall be authorized for industrial technology services activities, of which—

(i) $141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than $5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) $10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $970,800,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $661,100,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $84,900,000 shall be authorized for the construction and maintenance of facilities; and

(C) $224,800,000 shall be authorized for industrial technology services activities, of which—

(i) $155,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than $5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) $10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $1,039,709,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $676,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) $121,300,000 shall be authorized for the construction and maintenance of facilities; and

(C) $241,709,000 shall be authorized for industrial technology services activities, of which—

(i) $165,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than $5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) $10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—The National Institute of Standards and Technology Act is amended by inserting after section 3 the following:

"SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.

''(a) ESTABLISHMENT.—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the 'Under Secretary').

''(b) APPOINTMENT.—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

''(c) COMPENSATION.—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(d) DUTIES.—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

''(e) APPLICABILITY.—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).''.

(b) CONFORMING AMENDMENTS.—

(1) TITLE 5, UNITED STATES CODE.—

(A) LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting before the item ''Associate Attorney General'' the following:

''Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.''.

(B) LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Director, National Institute of Standards and Technology, Department of Commerce.''.

(2) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

SEC. 404. MANUFACTURING EXTENSION PARTNERSHIP.

(a) COMMUNITY COLLEGE SUPPORT.—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (4);

(2) by striking ''Institute.'' in paragraph (5) and inserting ''Institute; and''; and

(3) by adding at the end the following:

''(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.''.

(b) INNOVATIVE SERVICES INITIATIVE.—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

''(g) INNOVATIVE SERVICES INITIATIVE.—

''(1) ESTABLISHMENT.—The Director shall establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

''(A) reducing their energy usage, greenhouse gas emissions, and environmental waste to improve profitability;

''(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy and energy efficiency systems; and

''(C) identification of and diversification to new markets, including support for transitioning to the production of components for renewable energy and energy efficiency systems.

''(2) MARKET DEMAND.—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.''.

(c) REPORTS.—Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (b), is further amended by adding at the end the following:

''(h) REPORTS.—

''(1) IN GENERAL.—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director's governance of the program established under this section.

''(2) CRITERIA.—In conducting the assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).''.

(d) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

''(7) Not later than 90 days after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Comptroller General shall submit to Congress a report on the cost share requirements under the program. The report shall—

''(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment, and the effect of such cost share structures on individual Centers and the overall program; and

''(B) include recommendations for how best to structure the cost share requirement to provide for the long-term sustainability of the program.''.

''(8) If consistent with the recommendations in the report transmitted to Congress under paragraph (7), the Secretary shall alter the cost structure requirements specified under paragraph (3)(B) and (5) provided that the modification does not increase the cost share structure in place before the date of enactment of the America COMPETES Reauthorization Act of 2010, or allow the Secretary to provide a Center more than 50 percent of the costs incurred by that Center.''.

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

''(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

''(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

''(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.'.

(f) DESIGNATION OF PROGRAM.—

(1) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), as amended by subsection (c), is further amended by adding at the end the following:

''(i) DESIGNATION.—

''(1) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.—The program under this section shall be known as the 'Hollings Manufacturing Extension Partnership'.

''(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the 'Hollings Manufacturing Extension Centers' (in this Act referred to as the 'Centers').''.

(2) CONFORMING AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'' by striking ''2007: Provided further, That'' and all that follows through ''Extension Centers.'' and inserting ''2007.''.

(3) TECHNICAL AMENDMENTS.—

(A) Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended in the matter preceding paragraph (1) by striking ''Regional Centers for the Transfer of Manufacturing Technology'' and inserting ''regional centers for the transfer of manufacturing technology''.

(B) Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (f), is further amended by adding at the end the following:

''(j) COMMUNITY COLLEGE DEFINED.—In this section, the term 'community college' means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominately awarded to students is an associate's degree.''.

(h) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (g), is further amended by adding at the end the following:

''(k) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

''(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

''(2) implement a comprehensive plan to train the Centers to address such obstacles; and

''(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.''.

(i) NIST ACT AMENDMENT.—Section 25(f)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(3)) is amended by striking ''Director of the Centers program,'' and inserting ''Director of the Hollings MEP program,''.

SEC. 405. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

(b) ACTIVITIES.—In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies;

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies; and

(3) incorporate and build upon existing reports and studies on improving emergency communications.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by the assessment.

SEC. 406. BROADENING PARTICIPATION.

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–1) is amended by adding at the end the following:

''(c) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(b) POSTDOCTORAL FELLOWSHIP PROGRAM.—Section 19 of such Act (15 U.S.C. 278g–2) is amended by adding at the end the following:

''In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.''.

(c) TEACHER DEVELOPMENT.—Section 19A(c) of such Act (15 U.S.C. 278g–2a(c)) is amended by adding at the end the following: ''The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).''.

SEC. 407. NIST FELLOWSHIPS.

(a) POST-DOCTORAL FELLOWSHIP PROGRAM.—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–2) is amended by striking '', in conjunction with the National Academy of Sciences,''.

(b) RESEARCH FELLOWSHIPS.—Section 18(a) of that Act (15 USC 278g–1(a)) is amended by striking ''up to 1.5 percent of the''.

(c) COMMERCE, SCIENCE, AND TECHNOLOGY FELLOWSHIP PROGRAM.—Section 5163(d) of the Omnibus Trade and Competition Act of 1988 (15 U.S.C. 1533) is repealed.

SEC. 408. GREEN MANUFACTURING AND CONSTRUCTION.

The Director shall carry out a green manufacturing and construction initiative—

(1) to develop accurate sustainability metrics and practices for use in manufacturing;

(2) to advance the development of standards, including high performance green building standards, and the creation of an information infrastructure to communicate sustainability information about suppliers; and

(3) to move buildings toward becoming high performance green buildings, including improving energy performance, service life, and indoor air quality of new and retrofitted buildings through validated measurement data.

SEC. 409. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Institute of Standards and Technology.

(2) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703).

(3) HIGH PERFORMANCE GREEN BUILDING.—The term ''high performance green building'' has the meaning given that term by section 401(13) of the Energy Independence and Security Act of 2009 (42 U.S.C. 17061(13)).

TITLE V—SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS SUPPORT PROGRAMS

SUBTITLE A—NATIONAL SCIENCE FOUNDATION

SEC. 501. SHORT TITLE.

This subtitle may be cited as the ''National Science Foundation Authorization Act of 2010''.

SEC. 502. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) EPSCOR.—The term ''EPSCoR'' means the Experimental Program to Stimulate Competitive Research.

(3) FOUNDATION.—The term ''Foundation'' means the National Science Foundation established under section 2 of the National Science Foundation Act of 1950 (42 U.S.C. 1861).

(4) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) STATE.—The term ''State'' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

(6) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,424,400,000 for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $5,974,782,000 shall be made available to carry research and related activities;

(B) $937,850,000 shall be made available for education and human resources;

(C) $164,744,000 shall be made available for major research equipment and facilities construction;

(D) $327,503,000 shall be made available for agency operations and award management;

(E) $4,803,000 shall be made available for the Office of the National Science Board; and

(F) $14,718,000 shall be made available for the Office of Inspector General.

(b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $7,800,000,000 for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $6,234,281,000 shall be made available to carry research and related activities;

(B) $978,959,000 shall be made available for education and human resources;

(C) $225,544,000 shall be made available for major research equipment and facilities construction;

(D) $341,676,000 shall be made available for agency operations and award management;

(E) $4,808,000 shall be made available for the Office of the National Science Board; and

(F) $14,732,000 shall be made available for the Office of Inspector General.

(c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Foundation $8,300,000,000 for fiscal year 2013.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) $6,637,849,000 shall be made available to carry research and related activities;

(B) $1,041,762,000 shall be made available for education and human resources;

(C) $236,764,000 shall be made available for major research equipment and facilities construction;

(D) $363,670,000 shall be made available for agency operations and award management;

(E) $4,906,000 shall be made available for the Office of the National Science Board; and

(F) $15,049,000 shall be made available for the Office of Inspector General.

SEC. 504. NATIONAL SCIENCE BOARD ADMINISTRATIVE AMENDMENTS.

(a) STAFFING AT THE NATIONAL SCIENCE BOARD.—Section 4(g) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(g)) is amended by striking ''not more than 5''.

(b) NATIONAL SCIENCE BOARD REPORTS.—Section 4(j)(2) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(2)) is amended by inserting ''within the authority of the Foundation (or otherwise as requested by the Congress or the President)'' after ''individual policy matters''.

(c) BOARD ADHERENCE TO SUNSHINE ACT.—Section 15(a)(2) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–5(a)(2)) is amended—

(1) by striking ''The Board'' and inserting ''To ensure transparency of the Board's entire decision-making process, including deliberations on Board business occurring within its various subdivisions, the Board''; and

(2) by adding at the end the following: ''The preceding requirement will apply to meetings of the full Board, whenever a quorum is present; and to meetings of its subdivisions, whenever a quorum of the subdivision is present.''.

SEC. 505. NATIONAL CENTER FOR SCIENCE AND ENGINEERING STATISTICS.

(a) ESTABLISHMENT.—There is established within the Foundation a National Center for Science and Engineering Statistics that shall serve as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development.

(b) DUTIES.—In carrying out subsection (a) of this section, the Director, acting through the Center shall—

(1) collect, acquire, analyze, report, and disseminate statistical data related to the science and engineering enterprise in the United States and other nations that is relevant and useful to practitioners, researchers, policymakers, and the public, including statistical data on—

(A) research and development trends;

(B) the science and engineering workforce;

(C) United States competitiveness in science, engineering, technology, and research and development; and

(D) the condition and progress of United States STEM education;

(2) support research using the data it collects, and on methodologies in areas related to the work of the Center; and

(3) support the education and training of researchers in the use of large-scale, nationally representative data sets.

(c) STATISTICAL REPORTS.—The Director or the National Science Board, acting through the Center, shall issue regular, and as necessary, special statistical reports on topics related to the national and international science and engineering enterprise such as the biennial report required by section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) on indicators of the state of science and engineering in the United States.

SEC. 506. NATIONAL SCIENCE FOUNDATION MANUFACTURING RESEARCH AND EDUCATION.

(a) MANUFACTURING RESEARCH.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to support fundamental research leading to transformative advances in manufacturing technologies, processes, and enterprises that will support United States manufacturing through improved performance, productivity, sustainability, and competitiveness. Research areas may include—

(1) nanomanufacturing;

(2) manufacturing and construction machines and equipment, including robotics, automation, and other intelligent systems;

(3) manufacturing enterprise systems;

(4) advanced sensing and control techniques;

(5) materials processing; and

(6) information technologies for manufacturing, including predictive and real-time models and simulations, and virtual manufacturing.

(b) MANUFACTURING EDUCATION.—In order to help ensure a well-trained manufacturing workforce, the Director shall award grants to strengthen and expand scientific and technical education and training in advanced manufacturing, including through the Foundation's Advanced Technological Education program.

SEC. 507. NATIONAL SCIENCE BOARD REPORT ON MID-SCALE INSTRUMENTATION.

(a) MID-SCALE RESEARCH INSTRUMENTATION NEEDS.—The National Science Board shall evaluate the needs, across all disciplines supported by the Foundation, for mid-scale research instrumentation that falls between the instruments funded by the Major Research Instrumentation program and the very large projects funded by the Major Research Equipment and Facilities Construction program.

(b) REPORT ON MID-SCALE RESEARCH INSTRUMENTATION PROGRAM.—Not later than 1 year after the date of enactment of this Act, the National Science Board shall submit to Congress a report on mid-scale research instrumentation at the Foundation. At a minimum, this report shall include—

(1) the findings from the Board's evaluation of instrumentation needs required under subsection (a), including a description of differences across disciplines and Foundation research directorates;

(2) a recommendation or recommendations regarding how the Foundation should set priorities for mid-scale instrumentation across disciplines and Foundation research directorates;

(3) a recommendation or recommendations regarding the appropriateness of expanding existing programs, including the Major Research Instrumentation program or the Major Research Equipment and Facilities Construction program, to support more instrumentation at the mid-scale;

(4) a recommendation or recommendations regarding the need for and appropriateness of a new, Foundation-wide program or initiative in support of mid-scale instrumentation, including any recommendations regarding the administration of and budget for such a program or initiative and the appropriate scope of instruments to be funded under such a program or initiative; and

(5) any recommendation or recommendations regarding other options for supporting mid-scale research instrumentation at the Foundation.

SEC. 508. PARTNERSHIPS FOR INNOVATION.

(a) IN GENERAL.—The Director shall carry out a program to award merit-reviewed, competitive grants to institutions of higher education to establish and to expand partnerships that promote innovation and increase the impact of research by developing tools and resources to connect new scientific discoveries to practical uses.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—To be eligible for funding under this section, an institution of higher education must propose establishment of a partnership that—

(A) includes at least one private sector entity; and

(B) may include other institutions of higher education, public sector institutions, private sector entities, and nonprofit organizations.

(2) PRIORITY.—In selecting grant recipients under this section, the Director shall give priority to partnerships that include one or more institutions of higher education and at least one of the following:

(A) A minority serving institution.

(B) A primarily undergraduate institution.

(C) A 2-year institution of higher education.

(c) PROGRAM.—Proposals funded under this section shall seek—

(1) to increase the impact of the most promising research at the institution or institutions of higher education that are members of the partnership through knowledge transfer or commercialization;

(2) to increase the engagement of faculty and students across multiple disciplines and departments, including faculty and students in schools of business and other appropriate non-STEM fields and disciplines in knowledge transfer activities;

(3) to enhance education and mentoring of students and faculty in innovation and entrepreneurship through networks, courses, and development of best practices and curricula;

(4) to strengthen the culture of the institution or institutions of higher education to undertake and participate in activities related to innovation and leading to economic or social impact;

(5) to broaden the participation of all types of institutions of higher education in activities to meet STEM workforce needs and promote innovation and knowledge transfer; and

(6) to build lasting partnerships with local and regional businesses, local and State governments, and other relevant entities.

(d) ADDITIONAL CRITERIA.—In selecting grant recipients under this section, the Director shall also consider the extent to which the applicants are able to demonstrate evidence of institutional support for, and commitment to—

(1) achieving the goals of the program as described in subsection (c);

(2) expansion to an institution-wide program if the initial proposal is not for an institution-wide program; and

(3) sustaining any new innovation tools and resources generated from funding under this program.

(e) LIMITATION.—No funds provided under this section may be used to construct or renovate a building or structure.

SEC. 509. SUSTAINABLE CHEMISTRY BASIC RESEARCH.

The Director shall establish a Green Chemistry Basic Research program to award competitive, merit-based grants to support research into green and sustainable chemistry which will lead to clean, safe, and economical alternatives to traditional chemical products and practices. The research program shall provide sustained support for green chemistry research, education, and technology transfer through—

(1) merit-reviewed competitive grants to individual investigators and teams of investigators, including, to the extent practicable, young investigators, for research;

(2) grants to fund collaborative research partnerships among universities, industry, and nonprofit organizations;

(3) symposia, forums, and conferences to increase outreach, collaboration, and dissemination of green chemistry advances and practices; and

(4) education, training, and retraining of undergraduate and graduate students and professional chemists and chemical engineers, including through partnerships with industry, in green chemistry science and engineering.

SEC. 510. GRADUATE STUDENT SUPPORT.

(a) FINDING.—The Congress finds that—

(1) the Integrative Graduate Education and Research Traineeship program is an important program for training the next generation of scientists and engineers in team-based interdisciplinary research and problem solving, and for providing them with the many additional skills, such as communication skills, needed to thrive in diverse STEM careers; and

(2) the Integrative Graduate Education and Research Traineeship program is no less valuable to the preparation and support of graduate students than the Foundation's Graduate Research Fellowship program.

(b) EQUAL TREATMENT OF IGERT AND GRF.—Beginning in fiscal year 2011, the Director shall increase or, if necessary, decrease funding for the Foundation's Integrative Graduate Education and Research Traineeship program (or any program by which it is replaced) at least at the same rate as it increases or decreases funding for the Graduate Research Fellowship program.

(c) SUPPORT FOR GRADUATE STUDENT RESEARCH FROM THE RESEARCH ACCOUNT.—For each of the fiscal years 2011 through 2013, at least 50 percent of the total Foundation funds allocated to the Integrative Graduate Education and Research Traineeship program and the Graduate Research Fellowship program shall come from funds appropriated for Research and Related Activities.

(d) COST OF EDUCATION ALLOWANCE FOR GRF PROGRAM.—Section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The Foundation is authorized''; and

(2) by adding at the end the following:

''(b) AMOUNT.—The Director shall establish for each year the amount to be awarded for scholarships and fellowships under this section for that year. Each such scholarship and fellowship shall include a cost of education allowance of $12,000, subject to any restrictions on the use of cost of education allowance as determined by the Director.''.

SEC. 511. ROBERT NOYCE TEACHER SCHOLARSHIP PROGRAM.

(a) MATCHING REQUIREMENT.—Section 10A(h)(1) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(h)(1)) is amended to read as follows:

''(1) IN GENERAL.—An eligible entity receiving a grant under this section shall provide, from non-Federal sources, to carry out the activities supported by the grant—

''(A) in the case of grants in an amount of less than $1,500,000, an amount equal to at least 30 percent of the amount of the grant, at least one half of which shall be in cash; and

''(B) in the case of grants in an amount of $1,500,000 or more, an amount equal to at least 50 percent of the amount of the grant, at least one half of which shall be in cash.''.

(b) RETIRING STEM PROFESSIONALS.—Section 10A(a)(2)(A) of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n–1a(a)(2)(A)) is amended by inserting ''including retiring professionals in those fields,'' after ''mathematics professionals,''.

SEC. 512 UNDERGRADUATE BROADENING PARTICIPATION PROGRAM.

The Foundation shall continue to support the Historically Black Colleges and Universities Undergraduate Program, the Louis Stokes Alliances for Minority Participation program, the Tribal Colleges and Universities Program, and Hispanic-serving institutions as separate programs.

SEC. 513. RESEARCH EXPERIENCES FOR HIGH SCHOOL STUDENTS.

The Director shall permit specialized STEM high schools conducting research to participate in major data collection initiatives from universities, corporations, or government labs under a research grant from the Foundation, as part of the research proposal.

SEC. 514. RESEARCH EXPERIENCES FOR UNDERGRADUATES.

(a) RESEARCH SITES.—The Director shall award grants, on a merit-reviewed, competitive basis, to institutions of higher education, nonprofit organizations, or consortia of such institutions and organizations, for sites designated by the Director to provide research experiences for 6 or more undergraduate STEM students for sites designated at primarily undergraduate institutions of higher education and 10 or more undergraduate STEM students for all other sites, with consideration given to the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885a or 1885b). The Director shall ensure that—

(1) at least half of the students participating in a program funded by a grant under this subsection at each site shall be recruited from institutions of higher education where research opportunities in STEM are limited, including 2-year institutions;

(2) the awards provide undergraduate research experiences in a wide range of STEM disciplines;

(3) the awards support a variety of projects, including independent investigator-led projects, interdisciplinary projects, and multi-institutional projects (including virtual projects);

(4) students participating in each program funded have mentors, including during the academic year to the extent practicable, to help connect the students' research experiences to the overall academic course of study and to help students achieve success in courses of study leading to a baccalaureate degree in a STEM field;

(5) mentors and students are supported with appropriate salary or stipends; and

(6) student participants are tracked, for employment and continued matriculation in STEM

fields, through receipt of the undergraduate degree and for at least 3 years thereafter.

(b) INCLUSION OF UNDERGRADUATES IN STANDARD RESEARCH GRANTS.—The Director shall require that every recipient of a research grant from the Foundation proposing to include 1 or more students enrolled in certificate, associate, or baccalaureate degree programs in carrying out the research under the grant shall request support, including stipend support, for such undergraduate students as part of the research proposal itself rather than as a supplement to the research proposal, unless such undergraduate participation was not foreseeable at the time of the original proposal.

SEC. 515. STEM INDUSTRY INTERNSHIP PROGRAMS.

(a) IN GENERAL.—The Director may award grants, on a competitive, merit-reviewed basis, to institutions of higher education, or consortia thereof, to establish or expand partnerships with local or regional private sector entities, for the purpose of providing undergraduate students with integrated internship experiences that connect private sector internship experiences with the students' STEM coursework. The partnerships may also include industry or professional associations.

(b) INTERNSHIP PROGRAM.—The grants awarded under section (a) may include internship programs in the manufacturing sector.

(c) USE OF GRANT FUNDS.—Grants under this section may be used—

(1) to develop and implement hands-on learning opportunities;

(2) to develop curricula and instructional materials related to industry, including the manufacturing sector;

(3) to perform outreach to secondary schools;

(4) to develop mentorship programs for students with partner organizations; and

(5) to conduct activities to support awareness of career opportunities and skill requirements.

(d) PRIORITY.—In awarding grants under this section, the Director shall give priority to institutions of higher education or consortia thereof that demonstrate significant outreach to and coordination with local or regional private sector entities and Regional Centers for the Transfer of Manufacturing Technology established by section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) in developing academic courses designed to provide students with the skills or certifications necessary for employment in local or regional companies.

(c) OUTREACH TO RURAL COMMUNITIES.—The Foundation shall conduct outreach to institutions of higher education and private sector entities in rural areas to encourage those entities to participate in partnerships under this section.

(d) COST-SHARE.—The Director shall require a 50 percent non-Federal cost-share from partnerships established or expanded under this section.

(e) RESTRICTION.—No Federal funds provided under this section may be used—

(1) for the purpose of providing stipends or compensation to students for private sector internships unless private sector entities match 75 percent of such funding; or

(2) as payment or reimbursement to private sector entities, except for institutions of higher education.

(f) REPORT.—Not less than 3 years after the date of enactment of this Act, the Director shall submit a report to Congress on the number and total value of awards made under this section, the number of students affected by those awards, any evidence of the effect of those awards on workforce preparation and jobs placement for participating students, and an economic and ethnic breakdown of the participating students.

SEC. 516. CYBER-ENABLED LEARNING FOR NATIONAL CHALLENGES.

The Director shall, in consultation with appropriate Federal agencies, identify ways to use cyber-enabled learning to create an innovative STEM workforce and to help retrain and retain our existing STEM workforce to address national challenges, including national security and competitiveness, and use technology to enhance or supplement laboratory based learning.

SEC. 517. EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

(a) FINDINGS.—The Congress finds that—

(1) The National Science Foundation Act of 1950 stated, ''it shall be an objective of the Foundation to strengthen research and education in the sciences and engineering, including independent research by individuals, throughout the United States, and to avoid undue concentration of such research and education,'';

(2) National Science Foundation funding remains highly concentrated, with 27 States and 2 jurisdictions, taken together, receiving only about 10 percent of all NSF research funding; each of these States received only a fraction of one percent of Foundation's research dollars each year;

(3) the Nation requires the talent, expertise, and research capabilities of all States in order to prepare sufficient numbers of scientists and engineers, remain globally competitive and support economic development.

(b) CONTINUATION OF PROGRAM.—The Director shall continue to carry out EPSCoR, with the objective of helping the eligible States to develop the research infrastructure that will make them more competitive for Foundation and other Federal research funding. The program shall continue to increase as the National Science Foundation funding increases.

(c) CONGRESSIONAL REPORTS.—The Director shall report to the appropriate committees of Congress on an annual basis, using the most recent available data—

(1) the total amount made available, by State, under EPSCoR;

(2) the amount of co-funding made available to EPSCoR States;

(3) the total amount of National Science Foundation funding made available to all institutions and entities within EPSCoR States; and

(4) efforts and accomplishments to more fully integrate the 29 EPSCoR jurisdictions in major activities and initiatives of the Foundation.

(d) COORDINATION OF EPSCOR AND SIMILAR FEDERAL PROGRAMS.—

(1) ANOTHER FINDING.—The Congress finds that a number of Federal agencies have programs, such as Experimental Programs to Stimulate Competitive Research and the National Institutes of Health Institutional Development Award program, designed to increase the capacity for and quality of science and technology research and training at academic institutions in States that historically have received relatively little Federal research and development funding.

(2) COORDINATION REQUIRED.—The EPSCoR Interagency Coordinating Committee, chaired by the National Science Foundation, shall—

(A) coordinate EPSCoR and Federal EPSCoR-like programs to maximize the impact of Federal support for building competitive research infrastructure, and in order to achieve an integrated Federal effort;

(B) coordinate agency objectives with State and institutional goals, to obtain continued non-Federal support of science and technology research and training;

(C) develop metrics to assess gains in academic research quality and competitiveness, and in science and technology human resource development;

(D) conduct a cross-agency evaluation of EPSCoR and other Federal EPSCoR-like programs and accomplishments, including management, investment, and metric-measuring strategies implemented by the different agencies aimed to increase the number of new investigators receiving peer-reviewed funding, broaden participation, and empower knowledge generation, dissemination, application, and national research and development competitiveness;

(E) coordinate the development and implementation of new, novel workshops, outreach activities, and follow-up mentoring activities among EPSCoR or EPSCoR-like programs for colleges and universities in EPSCoR States and territories in order to increase the number of proposals submitted and successfully funded and to enhance statewide coordination of EPSCoR and Federal EPSCoR-like programs;

(F) coordinate the development of new, innovative solicitations and programs to facilitate collaborations, partnerships, and mentoring activities among faculty at all levels in non-EPSCoR and EPSCoR States and jurisdictions;

(G) conduct an evaluation of the roles, responsibilities and degree of autonomy that program officers or managers (or the equivalent position) have in executing EPSCoR programs at the different Federal agencies and the impacts these differences have on the number of EPSCoR State and jurisdiction faculty participating in the peer review process and the percentage of successful awards by individual EPSCoR State jurisdiction and individual researcher; and

(H) conduct a survey of colleges and university faculty at all levels regarding their knowledge and understanding of EPSCoR, and their level of interaction with and knowledge about their respective State or Jurisdictional EPSCoR Committee.

(3) MEETINGS AND REPORTS.—The Committee shall meet at least twice each fiscal year and shall submit an annual report to the appropriate committees of Congress describing progress made in carrying out paragraph (2).

(e) FEDERAL AGENCY REPORTS.—Each Federal agency that administers an EPSCoR or Federal EPSCoR-like program shall submit to the OSTP as part of its Federal budget submission—

(1) a description of the program strategy and objectives;

(2) a description of the awards made in the previous year, including—

(A) the percentage of reviewers and number of new reviewers from EPSCoR States;

(B) the percentage of new investigators from EPSCoR States;

(C) the number of programs or large collaborator awards involving a partnership of organizations and institutions from EPSCoR and non-EPSCoR States; and

(3) an analysis of the gains in academic research quality and competitiveness, and in science and technology human resource development, achieved by the program in the last year.

(f) NATIONAL ACADEMY OF SCIENCES STUDY.—

(1) IN GENERAL.—The Director shall contract with the National Academy of Sciences to conduct a study on all Federal agencies that administer an Experimental Program to Stimulate Competitive Research or a program similar to the Experimental Program to Stimulate Competitive Research.

(2) MATTERS TO BE ADDRESSED.—The study conducted under paragraph (1) shall include the following:

(A) A delineation of the policies of each Federal agency with respect to the awarding of grants to EPSCoR States.

(B) The effectiveness of each program.

(C) Recommendations for improvements for each agency to achieve EPSCoR goals.

(D) An assessment of the effectiveness of EPSCoR States in using awards to develop science and engineering research and education, and science and engineering infrastructure within their States.

(E) Such other issues that address the effectiveness of EPSCoR as the National Academy of Sciences considers appropriate.

SEC. 518. SENSE OF THE CONGRESS REGARDING THE SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS TALENT EXPANSION PROGRAM.

It is the sense of the Congress that—

(1) the Science, Technology, Engineering, and Mathematics Talent Expansion Program established by the National Science Foundation Authorization Act of 2002 continues to be an effective program to increase the number of students, who are citizens or permanent residents of the United States, receiving associate or baccalaureate degrees in established or emerging fields within science, technology, engineering, and mathematics, and its authorization continues;

(2) the strategies employed continue to strengthen mentoring and tutoring between faculty and students and provide students with information and exposure to potential career pathways in science, technology, engineering, and mathematics areas;

(3) this highly competitive program awarded 145 Program implementation awards and 12 research projects in the first 6 years of operations; and

(4) the Science, Technology, Engineering, and Mathematics Talent Expansion Program should continue to be supported by the National Science Foundation.

SEC. 519. SENSE OF THE CONGRESS REGARDING THE NATIONAL SCIENCE FOUNDATION'S CONTRIBUTIONS TO BASIC RESEARCH AND EDUCATION.

(a) FINDINGS.—The Congress finds that—

(1) the National Science Foundation is an independent Federal agency created by Congress in 1950 to, among other things, promote the progress of science, to advance the national health, prosperity, and welfare, and to secure the national defense;

(2) the Foundation is the funding source for approximately 20 percent of all federally supported basic research conducted by America's colleges and universities, and is the major source of Federal backing for mathematics, computer science and other sciences;

(3) the America COMPETES Act of 2007 helped rejuvenate our focus on increasing basic research investment in the physical sciences, strengthening educational opportunities in the science, technology, engineering, and mathematics fields and developing a robust innovation infrastructure; and

(4) reauthorization of the America COMPETES Act should continue a robust investment in basic research and education and preserve the essence of the original Act by increasing the investment focus on science, technology, engineering, and mathematics basic research and education as a national priority.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the National Science Foundation is the finest scientific foundation in the world, and is a vital agency that must support basic research needed to advance the United States into the 21st century;

(2) the National Science Foundation should focus Federal research and development resources primarily in the areas of science, technology, engineering, and mathematics basic research and education; and

(3) the National Science Foundation should strive to ensure that federally-supported research is of the finest quality, is ground breaking, and answers questions or solves problems that are of utmost importance to society at large.

SEC. 520. ACADEMIC TECHNOLOGY TRANSFER AND COMMERCIALIZATION OF UNIVERSITY RESEARCH.

(a) IN GENERAL.—Any institution of higher education (as such term is defined in section 101(A) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) that receives National Science Foundation research support and has received at least $25,000,000 in total Federal research grants in the most recent fiscal year shall keep, maintain, and report annually to the National Science Foundation the universal record locator for a public website that contains information concerning its general approach to and mechanisms for transfer of technology and the commercialization of research results, including—

(1) contact information for individuals and university offices responsible for technology transfer and commercialization;

(2) information for both university researchers and industry on the institution's technology licensing and commercialization strategies;

(3) success stories, statistics, and examples of how the university supports commercialization of research results;

(4) technologies available for licensing by the university where appropriate; and

(5) any other information deemed by the institution to be helpful to companies with the potential to commercialize university inventions.

(b) NSF WEBSITE.—The National Science Foundation shall create and maintain a website accessible to the public that links to each website mentioned under (a).

(c) TRADE SECRET INFORMATION.—Notwithstanding subsection (a), an institution shall not be required to reveal confidential, trade secret, or proprietary information on its website.

SEC. 521. STUDY TO DEVELOP IMPROVED IMPACT-ON-SOCIETY METRICS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Director of the National Science Foundation shall contract with the National Academy of Sciences to initiate a study to evaluate, develop, or improve metrics for measuring the potential impact-on-society, including—

(1) the potential for commercial applications of research studies funded in whole or in part by grants of financial assistance from the Foundation or other Federal agencies;

(2) the manner in which research conducted at, and individuals graduating from, an institution of higher education contribute to the development of new intellectual property and the success of commercial activities;

(3) the quality of relevant scientific and international publications; and

(4) the ability of such institutions to attract external research funding.

(b) REPORT.—Within 1 year after initiating the study required by subsection (a), the Director shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology setting forth the Director's findings, conclusions, and recommendations.

SEC. 522. NSF GRANTS IN SUPPORT OF SPONSORED POST-DOCTORAL FELLOWSHIP PROGRAMS.

The Director of the National Science Foundation may utilize funds appropriated to carry out grants to institutions of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) to provide financial support for post-graduate research in fields with potential commercial applications to match, in whole or in part, any private sector grant of financial assistance to any post-doctoral program in such a field of study.

SEC. 523. COLLABORATION IN PLANNING FOR STEWARDSHIP OF LARGE-SCALE FACILITIES.

It is the sense of Congress that—

(1) the Foundation should, in its planning for construction and stewardship of large facilities, coordinate and collaborate with other Federal agencies, including the Department of Energy's Office of Science, to ensure that joint investments may be made when practicable;

(2) in particular, the Foundation should ensure that it responds to recommendations by the National Academy of Sciences and working groups convened by the National Science and Technology Council regarding such facilities and opportunities for partnership with other agencies in the design and construction of such facilities; and

(3) for facilities in which research in multiple disciplines will be possible, the Director should include multiple units within the Foundation during the planning process.

SEC. 524. CLOUD COMPUTING RESEARCH ENHANCEMENT.

(a) RESEARCH FOCUS AREA.—The Director may support a national research agenda in key areas affected by the increased use of public and private cloud computing, including—

(1) new approaches, techniques, technologies, and tools for—

(A) optimizing the effectiveness and efficiency of cloud computing environments; and

(B) mitigating security, identity, privacy, reliability, and manageability risks in cloud-based environments, including as they differ from traditional data centers;

(2) new algorithms and technologies to define, assess, and establish large-scale, trustworthy, cloud-based infrastructures;

(3) models and advanced technologies to measure, assess, report, and understand the performance, reliability, energy consumption, and other characteristics of complex cloud environments; and

(4) advanced security technologies to protect sensitive or proprietary information in global-scale cloud environments.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Director shall initiate a review and assessment of cloud computing research opportunities and challenges, including research areas listed in subsection (a), as well as related issues such as—

(A) the management and assurance of data that are the subject of Federal laws and regulations in cloud computing environments, which laws and regulations exist on the date of enactment of this Act;

(B) misappropriation of cloud services, piracy through cloud technologies, and other threats to the integrity of cloud services;

(C) areas of advanced technology needed to enable trusted communications, processing, and storage; and

(D) other areas of focus determined appropriate by the Director.

(2) UNSOLICITED PROPOSALS.—The Director may accept unsolicited proposals that review and assess the issues described in paragraph (1). The proposals may be judged according to existing criteria of the National Science Foundation.

(c) REPORT.—The Director shall provide an annual report for not less than 5 consecutive years to Congress on the outcomes of National Science Foundation investments in cloud computing research, recommendations for research focus and program improvements, or other related recommendations. The reports, including any interim findings or recommendations, shall be made publicly available on the website of the National Science Foundation.

(d) NIST SUPPORT.—The Director of the National Institute of Standards and Technology shall—

(1) collaborate with industry in the development of standards supporting trusted cloud computing infrastructures, metrics, interoperability, and assurance; and

(2) support standards development with the intent of supporting common goals.

SEC. 525. TRIBAL COLLEGES AND UNIVERSITIES PROGRAM.

(a) IN GENERAL.—The Director shall continue to support a program to award grants on a competitive, merit-reviewed basis to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c), including institutions described in section 317 of such Act (20 U.S.C. 1059d), to enhance the quality of undergraduate STEM education at such institutions and to increase the retention and graduation rates of Native American students pursuing associate's or baccalaureate degrees in STEM.

(b) PROGRAM COMPONENTS.—Grants awarded under this section shall support—

(1) activities to improve courses and curriculum in STEM;

(2) faculty development;

(3) stipends for undergraduate students participating in research; and

(4) other activities consistent with subsection (a), as determined by the Director.

(c) INSTRUMENTATION.—Funding provided under this section may be used for laboratory equipment and materials.

SEC. 526. BROADER IMPACTS REVIEW CRITERION.

(a) GOALS.—The Foundation shall apply a Broader Impacts Review Criterion to achieve the following goals:

(1) Increased economic competitiveness of the United States.

(2) Development of a globally competitive STEM workforce.

(3) Increased participation of women and underrepresented minorities in STEM.

(4) Increased partnerships between academia and industry.

(5) Improved pre-K–12 STEM education and teacher development.

(6) Improved undergraduate STEM education.

(7) Increased public scientific literacy.

(8) Increased national security.

(b) POLICY.—Not later than 6 months after the date of enactment of this Act, the Director shall develop and implement a policy for the Broader Impacts Review Criterion that—

(1) provides for educating professional staff at the Foundation, merit review panels, and applicants for Foundation research grants on the policy developed under this subsection;

(2) clarifies that the activities of grant recipients undertaken to satisfy the Broader Impacts Review Criterion shall—

(A) to the extent practicable employ proven strategies and models and draw on existing programs and activities; and

(B) when novel approaches are justified, build on the most current research results;

(3) allows for some portion of funds allocated to broader impacts under a research grant to be used for assessment and evaluation of the broader impacts activity;

(4) encourages institutions of higher education and other nonprofit education or research organizations to develop and provide, either as individual institutions or in partnerships thereof, appropriate training and programs to assist Foundation-funded principal investigators at their institutions in achieving the goals of the Broader Impacts Review Criterion as described in subsection (a); and

(5) requires principal investigators applying for Foundation research grants to provide evidence of institutional support for the portion of the investigator's proposal designed to satisfy the Broader Impacts Review Criterion, including evidence of relevant training, programs, and other institutional resources available to the investigator from either their home institution or organization or another institution or organization with relevant expertise.

SEC. 527. TWENTY-FIRST CENTURY GRADUATE EDUCATION.

(a) IN GENERAL.—The Director shall award grants, on a competitive, merit-reviewed basis, to institutions of higher education to implement or expand research-based reforms in master's and doctoral level STEM education that emphasize preparation for diverse careers utilizing STEM degrees, including at diverse types of institutions of higher education, in industry, and at government agencies and research laboratories.

(b) USES OF FUNDS.—Activities supported by grants under this section may include—

(1) creation of multidisciplinary or interdisciplinary courses or programs for the purpose of improved student instruction and research in STEM;

(2) expansion of graduate STEM research opportunities to include interdisciplinary research opportunities and research opportunities in industry, at Federal laboratories, and at international research institutions or research sites;

(3) development and implementation of future faculty training programs focused on improved instruction, mentoring, assessment of student learning, and support of undergraduate STEM students;

(4) support and training for graduate students to participate in instructional activities beyond the traditional teaching assistantship, and especially as part of ongoing educational reform efforts, including at pre-K–12 schools, and primarily undergraduate institutions;

(5) creation, improvement, or expansion of innovative graduate programs such as science master's degree programs;

(6) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to engage in innovation, technology transfer, and entrepreneurship;

(7) development and implementation of seminars, workshops, and other professional development activities that increase the ability of graduate students to effectively communicate their research findings to technical audiences outside of their own discipline and to nontechnical audiences;

(8) expansion of successful STEM reform efforts beyond a single academic unit to other STEM academic units within an institution or to comparable academic units at other institutions; and

(9) research on teaching and learning of STEM at the graduate level related to the proposed reform effort, including assessment and evaluation of the proposed reform activities and research on scalability and sustainability of approaches to reform.

(c) PARTNERSHIP.—An institution of higher education may partner with one or more other nonprofit education or research organizations, including scientific and engineering societies, for the purposes of carrying out the activities authorized under this section.

(d) SELECTION PROCESS.—

(1) APPLICATIONS.—An institution of higher education seeking a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum—

(A) a description of the proposed reform effort;

(B) in the case of applications that propose an expansion of a previously implemented reform effort at the applicant's institution or at other institutions, a description of the previously implemented reform effort;

(C) evidence of institutional support for, and commitment to, the proposed reform effort, including long-term commitment to implement successful strategies from the current reform effort beyond the academic unit or units included in the grant proposal or to disseminate successful strategies to other institutions; and

(D) a description of the plans for assessment and evaluation of the grant proposed reform activities.

(2) REVIEW OF APPLICATIONS.—In selecting grant recipients under this section, the Director shall consider at a minimum—

(A) the likelihood of success in undertaking the proposed effort at the institution submitting the application, including the extent to which the faculty, staff, and administrators of the institution are committed to making the proposed institutional reform a priority of the participating academic unit or units;

(B) the degree to which the proposed reform will contribute to change in institutional culture and policy such that a greater value is placed on preparing graduate students for diverse careers utilizing STEM degrees;

(C) the likelihood that the institution will sustain or expand the reform beyond the period of the grant; and

(D) the degree to which scholarly assessment and evaluation plans are included in the design of the reform effort.

SUBTITLE B—STEM-TRAINING GRANT PROGRAM

SEC. 551. PURPOSE.

The purpose of this subtitle is to replicate and implement programs at institutions of higher education that provide integrated courses of study in science, technology, engineering, or mathematics, and teacher education, that lead to a baccalaureate degree in science, technology, engineering, or mathematics with concurrent teacher certification.

SEC. 552. PROGRAM REQUIREMENTS.

The Director shall replicate and implement undergraduate degree programs under this subtitle that—

(1) are designed to recruit and prepare students who pursue a baccalaureate degree in science, technology, engineering, or mathematics to become certified as elementary and secondary teachers;

(2) require the education department (or its equivalent) and the departments or division responsible for preparation of science, technology, engineering, and mathematics majors at an institution of higher education to collaborate in establishing and implementing the program at that institution;

(3) require students participating in the program to enter the program through a field-based course and to continue to complete field-based courses supervised by master teachers throughout the program;

(4) hire sufficient teachers so that the ratio of students to master teachers in the program does not exceed 100 to 1;

(5) include instruction in the use of scientifically-based instructional materials and methods, assessments, pedagogical content knowledge (including the interaction between mathematics and science), the use of instructional technology, and how to incorporate State and local standards into the classroom curriculum;

(6) restrict to students participating in the program those courses that are specifically designed for the needs of teachers of science, technology, engineering, and mathematics; and

(7) require students participating in the program to successfully complete a final evaluation of their teaching proficiency, based on their classroom teaching performance, conducted by multiple trained observers, and a portfolio of their accomplishments.

SEC. 553. GRANT PROGRAM.

(a) IN GENERAL.—The Director shall establish a grant program to support programs at institutions of higher education to carry out the purpose of this subtitle.

(b) GEOGRAPHICAL CONSIDERATIONS.—In the administration of this subtitle, the Director shall take such steps as may be necessary to ensure that grants are equitably distributed across all regions of the United States, taking into account population density and other geographic and demographic considerations.

(c) AMOUNT OF GRANT.—Subject to the requirements of subsection (d), the Director may award grants annually on a competitive basis to institutions of higher education in the amount of $2,000,000, per institution of which—

(1) $1,500,000 shall be used—

(A) to design, implement, and evaluate a program that meets the requirements of section 552;

(B) to employ master teachers at the institution to oversee field experiences;

(C) to provide a stipend to mentor teachers participating in the program; and

(D) to support curriculum development and implementation strategies for science, technology, engineering, and mathematics content courses taught through the program; and

(2) up to $500,000 shall be set aside by the grantee for technical support and evaluation services from the institution whose programs will be replicated.

(d) ELIGIBILITY.—To be eligible to apply for a grant under this section, an institution of higher education shall—

(1) include former secondary school science, technology, engineering, or mathematics master teachers as faculty in its science department for this program;

(2) grant terminal degrees in science, technology, engineering, and mathematics; and

(3) have a process to be used in establishing partnerships with local educational agencies for placement of participating students in their field experiences, including a process for identifying mentor teachers working in local schools to supervise classroom field experiences in cooperation with university-based master teachers;

(4) maintain policies allowing flexible entry to the program throughout the undergraduate coursework;

(5) require that master teachers employed by the institution will supervise field experiences of students in the program;

(6) require that the program complies with State certification or licensing requirements and the requirements under section 9101(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) for highly qualified teachers;

(7) develop during the course of the grant a plan for long-term support and assessment of its graduates, which shall include—

(A) induction support for graduates in their first one to two years of teaching;

(B) systems to determine the teaching status of graduates and thereby determine retention rates; and

(C) methods to analyze the achievement of students taught by graduates, and methods to analyze classroom practices of graduates; and

(8) be able upon completion of the grant at the end of 5 years to fund essential program costs, including salaries of master teachers and other necessary personnel, from recurring university budgets.

(e) APPLICATION REQUIREMENTS.—An institution of higher education seeking a grant under the program shall submit an application to the Director in such form, at such time, and containing such information and assurances as the Director may require, including—

(1) a description of the current rate at which individuals majoring in science, technology, engineering, and mathematics become certified as elementary and secondary teachers;

(2) a description for the institution's plan for increasing the numbers of students enrolled in and graduating from the program supported under this subtitle;

(3) a description of the institution's capacity to develop a program in which individuals majoring in science, technology, engineering, and mathematics can become certified as elementary and secondary teachers;

(4) identification of the organizational unit within the department or division of arts and sciences or the science department at the institution that will adopt teacher certification for elementary and secondary teachers as its primary mission;

(5) identification of core faculty within the department or division of arts and sciences or the science department at the institution to champion teacher preparation in their departments by teaching courses dedicated to preparing future elementary and secondary school teachers, helping create new degree plans, advising prospective students within their major, and assisting as needed with program administration;

(6) identification of core faculty in the education department or its equivalent at the institution to champion teacher preparation by creating and teaching courses specific to the preparation of science, technology, engineering, and mathematics and working closely with colleagues in the department or division of arts and sciences or the science department; and

(7) a description of involving practical, field-based experience in teaching and degree plans enabling students to graduate in 4 years with a major in science, technology, engineering, or mathematics and elementary or secondary school teacher certification.

(f) MATCHING REQUIREMENT.—An institution of higher education may not receive a grant under this section unless it provides, from non-federal sources, to carry out the activities supported by the grant, an amount that is not less than—

(1) 35 percent of the amount of the grant for the first fiscal year of the grant;

(2) 55 percent of the amount of the grant for the second and third fiscal years of the grant; and

(3) 75 percent of the amount of the grant for the fourth and fifth fiscal years of the grant.

(g) GUIDANCE.—Within 90 days after the date of enactment of this Act, the Director shall initiate a proceeding to promulgate guidance for the administration of the grant program established under subsection (a).

SEC. 554. GRANT OVERSIGHT AND ADMINISTRATION.

(a) IN GENERAL.—The Director may execute a contract for program oversight and fiscal management with an organization at an institution of higher education, a non-profit organization, or other entity that demonstrates capacity for and experience in—

(1) replicating 1 or more similar programs at regional or national levels;

(2) providing programmatic and technical implementation assistance for the program;

(3) performing data collection and analysis to ensure proper implementation and continuous program improvement; and

(4) providing accountability for results by measuring and monitoring achievement of programmatic milestones.

(b) OVERSIGHT RESPONSIBILITIES.—

(1) MANDATORY DUTIES.—If the Director executes a contract under subsection (a) with an organization for program oversight and fiscal management, the organization shall—

(A) ensure that a grant recipient faithfully replicates and implements the program or programs for which the grant is awarded;

(B) ensure that grant funds are used for the purposes authorized and that a grant recipient has a system in place to track and account for all Federal grant funds provided;

(C) provide technical assistance to grant recipients;

(D) collect and analyze data and report to the Director annually on the effects of the program on—

(i) the progress of participating students in achieving teaching competence and teaching certification;

(ii) the participation of students in the program by major, compared with local and State needs on secondary teachers by discipline; and

(iii) the participation of students in the program by demographic subgroup;

(E) collect and analyze data and report to the Director annually on the effects of the program on the academic achievement of elementary and secondary school students taught by graduates of programs funded by grants under this subtitle; and

(F) submit an annual report to the Director demonstrating compliance with the requirements of subparagraphs (A) through (E).

(2) DISCRETIONARY DUTIES.—At the request of the Director, the organization under contract under subsection (a) may assist the Director in evaluating grant applications.

(c) REPORTS TO CONGRESS.—The Director shall submit a copy of the annual report required by subsection (b)(1)(F) to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Health, Education, Labor, and Pensions, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Education and Labor.

SEC. 555. DEFINITIONS.

In this subtitle:

(1) FIELD-BASED COURSE.—The term ''field-based course'' means a course of instruction offered by an institution of higher education that includes a requirement that students teach a minimum of 3 lessons or sequences of lessons to elementary or secondary students.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) MASTER TEACHER.—The term ''master teacher'' means an individual—

(A) who has been awarded a master's or doctoral degree by an institution of higher education;

(B) whose graduate coursework included courses in mathematics, science, computer science, or engineering;

(C) who has at least 3 years teaching experience in K–12 settings; and

(D) whose teaching has been recognized for exceptional accomplishments in educating students, or is demonstrated to have resulted in improved student achievement.

(4) MENTOR TEACHER.—The term ''mentor teacher'' means an elementary or secondary school classroom teacher who assists with the training of students participating in a field-based course.

(5) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

SEC. 556. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this subtitle $10,000,000 for each of fiscal years 2011 through 2013.

TITLE VI—INNOVATION

SEC. 601. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as amended by section 106 of this Act, is amended by adding at the end the following:

''SEC. 25. OFFICE OF INNOVATION AND ENTREPRENEURSHIP.

''(a) IN GENERAL.—The Secretary shall establish an Office of Innovation and Entrepreneurship to foster innovation and the commercialization of new technologies, products, processes, and services with the goal of promoting productivity and economic growth in the United States.

''(b) DUTIES.—The Office of Innovation and Entrepreneurship shall be responsible for—

''(1) developing policies to accelerate innovation and advance the commercialization of research and development, including federally funded research and development;

''(2) identifying existing barriers to innovation and commercialization, including access to capital and other resources, and ways to overcome those barriers, particularly in States participating in the Experimental Program to Stimulate Competitive Research;

''(3) providing access to relevant data, research, and technical assistance on innovation and commercialization;

''(4) strengthening collaboration on and coordination of policies relating to innovation and commercialization, including those focused on the needs of small businesses and rural communities, within the Department of Commerce, between the Department of Commerce and other Federal agencies, and between the Department of Commerce and appropriate State government agencies and institutions, as appropriate; and

''(5) any other duties as determined by the Secretary.

''(c) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Council on Innovation and Entrepreneurship to provide advice to the Secretary on carrying out subsection (b).''.

SEC. 602. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as amended by section 601, is further amended by adding at the end the following:

"SEC. 26. FEDERAL LOAN GUARANTEES FOR INNOVATIVE TECHNOLOGIES IN MANUFACTURING.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to provide loan guarantees for obligations to small- or medium-sized manufacturers for the use or production of innovative technologies.

''(b) ELIGIBLE PROJECTS.—A loan guarantee may be made under the program only for a project that re-equips, expands, or establishes a manufacturing facility in the United States—

''(1) to use an innovative technology or an innovative process in manufacturing;

''(2) to manufacture an innovative technology product or an integral component of such a product; or

''(3) to commercialize an innovative product, process, or idea that was developed by research funded in whole or in part by a grant from the Federal government.

''(c) ELIGIBLE BORROWER.—A loan guarantee may be made under the program only for a borrower who is a small- or medium-sized manufacturer, as determined by the Secretary under the criteria established pursuant to subsection (l).

''(d) LIMITATION ON AMOUNT.—A loan guarantee shall not exceed an amount equal to 80 percent of the obligation, as estimated at the time at which the loan guarantee is issued.

''(e) LIMITATIONS ON LOAN GUARANTEE.—No loan guarantee shall be made unless the Secretary determines that—

''(1) there is a reasonable prospect of repayment of the principal and interest on the obligation by the borrower;

''(2) the amount of the obligation (when combined with amounts available to the borrower from other sources) is sufficient to carry out the project;

''(3) the obligation is not subordinate to other financing;

''(4) the obligation bears interest at a rate that does not exceed a level that the Secretary determines appropriate, taking into account the prevailing rate of interest in the private sector for similar loans and risks; and

''(5) the term of an obligation requires full repayment over a period not to exceed the lesser of—

''(A) 30 years; or

''(B) 90 percent of the projected useful life, as determined by the Secretary, of the physical asset to be financed by the obligation.

''(f) DEFAULTS.—

''(1) PAYMENT BY SECRETARY.—

''(A) IN GENERAL.—If a borrower defaults (as defined in regulations promulgated by the Secretary and specified in the loan guarantee) on the obligation, the holder of the loan guarantee shall have the right to demand payment of the unpaid amount from the Secretary.

''(B) PAYMENT REQUIRED.—Within such period as may be specified in the loan guarantee or related agreements, the Secretary shall pay to the holder of the loan guarantee the unpaid interest on and unpaid principal of the obligation as to which the borrower has defaulted, unless the Secretary finds that there was no default by the borrower in the payment of interest or principal or that the default has been remedied.

''(C) FORBEARANCE.—Nothing in this subsection precludes any forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the obligation and approved by the Secretary.

''(2) SUBROGATION.—

''(A) IN GENERAL.—If the Secretary makes a payment under paragraph (1), the Secretary shall be subrogated to the rights, as specified in the loan guarantee, of the recipient of the payment or related agreements including, if appropriate, the authority (notwithstanding any other provision of law)—

''(i) to complete, maintain, operate, lease, or otherwise dispose of any property acquired pursuant to such loan guarantee or related agreement; or

''(ii) to permit the borrower, pursuant to an agreement with the Secretary, to continue to pursue the purposes of the project if the Secretary determines that such an agreement is in the public interest.

''(B) SUPERIORITY OF RIGHTS.—The rights of the Secretary, with respect to any property acquired pursuant to a loan guarantee or related agreements, shall be superior to the rights of any other person with respect to the property.

''(3) NOTIFICATION.—If the borrower defaults on an obligation, the Secretary shall notify the Attorney General of the default.

''(g) TERMS AND CONDITIONS.—A loan guarantee under this section shall include such detailed terms and conditions as the Secretary determines appropriate—

''(1) to protect the interests of the United States in the case of default; and

''(2) to have available all the patents and technology necessary for any person selected, including the Secretary, to complete and operate the project.

''(h) CONSULTATION.—In establishing the terms and conditions of a loan guarantee under this section, the Secretary shall consult with the Secretary of the Treasury.

''(i) FEES.—

''(1) IN GENERAL.—The Secretary shall charge and collect fees for loan guarantees in amounts the Secretary determines are sufficient to cover applicable administrative expenses.

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary into the Treasury of the United States; and

''(B) remain available until expended, subject to such other conditions as are contained in annual appropriations Acts.

''(3) LIMITATION.—In charging and collecting fees under paragraph (1), the Secretary shall take into consideration the amount of the obligation.

''(j) RECORDS.—

''(1) IN GENERAL.—With respect to a loan guarantee under this section, the borrower, the lender, and any other appropriate party shall keep such records and other pertinent documents as the Secretary shall prescribe by regulation, including such records as the Secretary may require to facilitate an effective audit.

''(2) ACCESS.—The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access to records and other pertinent documents for the purpose of conducting an audit.

''(k) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all loan guarantees issued under this section with respect to principal and interest.

''(l) REGULATIONS.—The Secretary shall issue final regulations before making any loan guarantees under the program. The regulations shall include—

''(1) criteria that the Secretary shall use to determine eligibility for loan guarantees under this section, including—

''(A) whether a borrower is a small- or medium-sized manufacturer; and

''(B) whether a borrower demonstrates that a market exists for the innovative technology product, or the integral component of such a product, to be manufactured, as evidenced by written statements of interest from potential purchasers;

''(2) criteria that the Secretary shall use to determine the amount of any fees charged under subsection (i), including criteria related to the amount of the obligation;

''(3) policies and procedures for selecting and monitoring lenders and loan performance; and

''(4) any other policies, procedures, or information necessary to implement this section.

''(m) AUDIT.—

''(1) ANNUAL INDEPENDENT AUDITS.—The Secretary shall enter into an arrangement with an independent auditor for annual evaluations of the program under this section.

''(2) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall conduct a biennial review of the Secretary's execution of the program under this section.

''(3) REPORT.—The results of the independent audit under paragraph (1) and the Comptroller General's review under paragraph (2) shall be provided directly to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(n) REPORT TO CONGRESS.—Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the America COMPETES Reauthorization Act of 2010, the Secretary shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing a summary of all activities carried out under this section.

''(o) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other loan guarantee programs within the Federal Government.

''(p) MEP CENTERS.—The Secretary may use centers established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k) to provide information about the program established under this section and to conduct outreach to potential borrowers, as appropriate.

''(q) MINIMIZING RISK.—The Secretary shall promulgate regulations and policies to carry out this section in accordance with Office of Management and Budget Circular No. A–129, entitled 'Policies for Federal Credit Programs and Non-Tax Receivables', as in effect on the date of enactment of the America COMPETES Reauthorization Act of 2010.

''(r) SENSE OF CONGRESS.—It is the sense of Congress that no loan guarantee shall be made under this section unless the borrower agrees to use a federally-approved electronic employment eligibility verification system to verify the employment eligibility of—

''(1) all persons hired during the contract term by the borrower to perform employment duties within the United States; and

''(2) all persons assigned by the borrower to perform work within the United States on the project.

''(s) DEFINITIONS.—In this section:

''(1) COST.—The term 'cost' has the meaning given such term under section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

''(2) INNOVATIVE PROCESS.—The term 'innovative process' means a process that is significantly improved as compared to the process in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(3) INNOVATIVE TECHNOLOGY.—The term 'innovative technology' means a technology that is significantly improved as compared to the technology in general use in the commercial marketplace in the United States at the time the loan guarantee is issued.

''(4) LOAN GUARANTEE.—The term 'loan guarantee' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a). The term includes a loan guarantee commitment (as defined in section 502 of such Act (2 U.S.C. 661a)).

''(5) OBLIGATION.—The term 'obligation' means the loan or other debt obligation that is guaranteed under this section.

''(6) PROGRAM.—The term 'program' means the loan guarantee program established in subsection (a).

''(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2011 through 2013 to provide the cost of loan guarantees under this section.''.

SEC. 603. REGIONAL INNOVATION PROGRAM.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as amended by section 602, is further amended by adding at the end thereof the following:

''SEC. 27. REGIONAL INNOVATION PROGRAM.

''(a) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies, including regional innovation clusters and science and research parks.

'(b) CLUSTER GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants on a competitive basis to eligible recipients for activities relating to the formation and development of regional innovation clusters.

''(2) PERMISSIBLE ACTIVITIES.—Grants awarded under this subsection may be used for activities determined appropriate by the Secretary, including the following:

''(A) Feasibility studies.

''(B) Planning activities.

''(C) Technical assistance.

''(D) Developing or strengthening communication and collaboration between and among participants of a regional innovation cluster.

''(E) Attracting additional participants to a regional innovation cluster.

''(F) Facilitating market development of products and services developed by a regional innovation cluster, including through demonstration, deployment, technology transfer, and commercialization activities.

''(G) Developing relationships between a regional innovation cluster and entities or clusters in other regions.

''(H) Interacting with the public and State and local governments to meet the goals of the cluster.

''(3) ELIGIBLE RECIPIENT DEFINED.—In this subsection, the term 'eligible recipient' means—

''(A) a State;

''(B) an Indian tribe;

''(C) a city or other political subdivision of a State;

''(D) an entity that—

''(i) is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, or an economic development organization or similar entity; and

''(ii) has an application that is supported by a State or a political subdivision of a State; or

''(E) a consortium of any of the entities described in subparagraphs (A) through (D).

''(4) APPLICATION.—

''(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(B) COMPONENTS.—The application shall include, at a minimum, a description of the regional innovation cluster supported by the proposed activity, including a description of—

''(i) whether the regional innovation cluster is supported by the private sector, State and local governments, and other relevant stakeholders;

''(ii) how the existing participants in the regional innovation cluster will encourage and solicit participation by all types of entities that might benefit from participation, including newly formed entities and those rival existing participants;

''(iii) the extent to which the regional innovation cluster is likely to stimulate innovation and have a positive impact on regional economic growth and development;

''(iv) whether the participants in the regional innovation cluster have access to, or contribute to, a well-trained workforce;

''(v) whether the participants in the regional innovation cluster are capable of attracting additional funds from non-Federal sources; and

''(vi) the likelihood that the participants in the regional innovation cluster will be able to sustain activities once grant funds under this subsection have been expended.

''(C) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications from regions that contain communities negatively impacted by trade.

''(5) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to an eligible recipient who agrees to collaborate with local workforce investment area boards.

''(6) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

''(7) USE AND APPLICATION OF RESEARCH AND INFORMATION PROGRAM.—To the maximum extent practicable, the Secretary shall ensure that activities funded under this subsection use and apply any relevant research, best practices, and metrics developed under the program established in subsection (c).

''(c) SCIENCE AND RESEARCH PARK DEVELOPMENT GRANTS.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may award grants for the development of feasibility studies and plans for the construction of new science parks or the renovation or expansion of existing science parks.

''(2) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant awarded under this subsection may not exceed $750,000.

''(3) AWARD.—

''(A) COMPETITION REQUIRED.—The Secretary shall award grants under this subsection pursuant to a full and open competition.

''(B) GEOGRAPHIC DISPERSION.—In conducting a competitive process, the Secretary shall consider the need to avoid undue geographic concentration among any one category of States based on their predominant rural or urban character as indicated by population density.

''(C) SELECTION CRITERIA.—The Secretary shall publish the criteria to be utilized in any competition for the selection of recipients of grants under this subsection, which shall include requirements relating to the—

''(i) effect the science park will have on regional economic growth and development;

''(ii) number of jobs to be created at the science park and the surrounding regional community each year during its first 3 years;

''(iii) funding to be required to construct, renovate or expand the science park during its first 3 years;

''(iv) amount and type of financing and access to capital available to the applicant;

''(v) types of businesses and research entities expected in the science park and surrounding regional community;

''(vi) letters of intent by businesses and research entities to locate in the science park;

''(vii) capability to attract a well trained workforce to the science park;

''(viii) the management of the science park during its first 5 years;

''(ix) expected financial risks in the construction and operation of the science park and the risk mitigation strategy;

''(x) physical infrastructure available to the science park, including roads, utilities, and telecommunications;

''(xi) utilization of energy-efficient building technology including nationally recognized green building design practices, renewable energy, cogeneration, and other methods that increase energy efficiency and conservation;

''(xii) consideration to the transformation of military bases affected by the base realignment and closure process or the redevelopment of existing buildings, structures, or brownfield sites that are abandoned, idled, or underused into single or multiple building facilities for science and technology companies and institutions;

''(xiii) ability to collaborate with other science parks throughout the world;

''(xiv) consideration of sustainable development practices and the quality of life at the science park; and

''(xv) other such criteria as the Secretary shall prescribe.

''(4) ALLOCATION CONSTRAINTS.—The Secretary may not allocate less than one-third of the total grant funding allocated under this section for any fiscal year to grants under subsection (b) or this subsection without written notification to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committees on Science and Technology and on Energy and Commerce.

''(d) LOAN GUARANTEES FOR SCIENCE PARK INFRASTRUCTURE.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may guarantee up to 80 percent of the loan amount for projects for the construction or expansion, including renovation and modernization, of science park infrastructure.

''(2) LIMITATIONS ON GUARANTEE AMOUNTS.—The maximum amount of loan principal guaranteed under this subsection may not exceed—

''(A) $50,000,000 with respect to any single project; and

''(B) $300,000,000 with respect to all projects.

''(3) SELECTION OF GUARANTEE RECIPIENTS.—The Secretary shall select recipients of loan guarantees under this subsection based upon the ability of the recipient to collateralize the loan amount through bonds, equity, property, and such other things of values as the Secretary shall deem necessary. Recipients of grants under subsection (c) are not eligible for a loan guarantee during the period of the grant. To the extent that the Secretary determines it to be feasible, the Secretary may select recipients of guarantee assistance in accord with a competitive process that takes into account the factors set out in subsection (c)(3)(C) of this section.

''(4) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—The loans guaranteed under this subsection shall be subject to such terms and conditions as the Secretary may prescribe, except that—

''(A) the final maturity of such loans made or guaranteed may not exceed the lesser of—

''(i) 30 years; or

''(ii) 90 percent of the useful life of any physical asset to be financed by the loan;

''(B) a loan guaranteed under this subsection may not be subordinated to another debt contracted by the borrower or to any other claims against the borrowers in the case of default;

''(C) a loan may not be guaranteed under this subsection unless the Secretary determines that the lender is responsible and that provision is made for servicing the loan on reasonable terms and in a manner that adequately protects the financial interest of the United States;

''(D) a loan may not be guaranteed under this subsection if—

''(i) the income from the loan is excluded from gross income for purposes of chapter 1 of the Internal Revenue Code of 1986; or

''(ii) the guarantee provides significant collateral or security, as determined by the Secretary in coordination with the Secretary of the Treasury, for other obligations the income from which is so excluded;

''(E) any guarantee provided under this subsection shall be conclusive evidence that—

''(i) the guarantee has been properly obtained;

''(ii) the underlying loan qualified for the guarantee; and

''(iii) absent fraud or material misrepresentation by the holder, the guarantee is presumed to be valid, legal, and enforceable;

''(F) the Secretary may not extend credit assistance unless the Secretary has determined that there is a reasonable assurance of repayment; and

''(G) new loan guarantees may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required under section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

''(5) PAYMENT OF LOSSES.—

''(A) IN GENERAL.—If, as a result of a default by a borrower under a loan guaranteed under

this subsection, after the holder has made such further collection efforts and instituted such enforcement proceedings as the Secretary may require, the Secretary determines that the holder has suffered a loss, the Secretary shall pay to the holder the percentage of the loss specified in the guarantee contract. Upon making any such payment, the Secretary shall be subrogated to all the rights of the recipient of the payment. The Secretary shall be entitled to recover from the borrower the amount of any payments made pursuant to any guarantee entered into under this section.

''(B) ENFORCEMENT OF RIGHTS.—The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States as a result of the issuance of any guarantee under this section.

''(C) FORBEARANCE.—Nothing in this section may be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the guaranteed loan and approved by the Secretary, if budget authority for any resulting subsidy costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990) is available.

''(6) EVALUATION OF CREDIT RISK.—

''(A) The Secretary shall periodically assess the credit risk of new and existing direct loans or guaranteed loans.

''(B) Not later than 2 years after the date of the enactment of the America COMPETES Reauthorization Act of 2010, the Comptroller General of the United States shall—

''(i) conduct a review of the subsidy estimates for the loan guarantees under this section; and

''(ii) submit to Congress a report on the review conducted under this paragraph.

''(7) TERMINATION.—A loan may not be guaranteed under this section after September 30, 2013.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $7,000,000 for each of fiscal years 2011 through 2013 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guaranteeing $300,000,000 in loans under this section, such sums to remain available until expended.

''(e) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

''(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary shall establish a regional innovation research and information program—

''(A) to gather, analyze, and disseminate information on best practices for regional innovation strategies (including regional innovation clusters), including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

''(B) to provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation strategies (including regional innovation clusters);

''(C) to support the development of relevant metrics and measurement standards to evaluate regional innovation strategies (including regional innovation clusters), including the extent to which such strategies stimulate innovation, productivity, and economic development; and

''(D) to collect and make available data on regional innovation cluster activity in the United States, including data on—

''(i) the size, specialization, and competitiveness of regional innovation clusters;

''(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation clusters; and

''(iii) supply chain product and service flows within and between regional innovation clusters.

''(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this subsection.

''(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

''(4) REGIONAL INNOVATION GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any grant under subsection (b) or (c) and any loan guarantee under subsection (d) into the program established under this subsection.

''(f) INTERAGENCY COORDINATION.—

''(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or other Federal agencies.

''(2) COLLABORATION.—

''(A) IN GENERAL.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multiagency funding opportunities, on regional innovation strategies.

''(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

''(g) EVALUATION.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of the America COMPETES Reauthorization Act of 2010, the Secretary shall enter into a contract with an independent entity, such as the National Academy of Sciences, to conduct an evaluation of the program established under subsection (a).

''(2) REQUIREMENTS.—The evaluation shall include—

''(A) whether the program is achieving its goals;

''(B) any recommendations for how the program may be improved; and

''(C) a recommendation as to whether the program should be continued or terminated.

''(h) DEFINITIONS.—In this section:

''(1) REGIONAL INNOVATION CLUSTER.—The term 'regional innovation cluster' means a geographically bounded network of similar, synergistic, or complementary entities that—

''(A) are engaged in or with a particular industry sector;

''(B) have active channels for business transactions and communication;

''(C) share specialized infrastructure, labor markets, and services; and

''(D) leverage the region's unique competitive strengths to stimulate innovation and create jobs.

''(2) SCIENCE PARK.—The term 'Science park' means a property-based venture, which has—

''(A) master-planned property and buildings designed primarily for private-public research and development activities, high technology and science-based companies, and research and development support services;

''(B) a contractual or operational relationship with one or more science- or research-related institution of higher education or governmental or non-profit research laboratories;

''(C) a primary mission to promote research and development through industry partnerships, assisting in the growth of new ventures and promoting innovation-driven economic development;

''(D) a role in facilitating the transfer of technology and business skills between researchers and industry teams; and

''(E) a role in promoting technology-led economic development for the community or region in which the science park is located. A science park may be owned by a governmental or not-for-profit entity, but it may enter into partnerships or joint ventures with for-profit entities for development or management of specific components of the park.

''(3) STATE.—The term 'State' means one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

''(i) AUTHORIZATION OF APPROPRIATIONS.—Except as provided in subsection (d)(8), there are authorized to be appropriated $100,000,000 for each of fiscal years 2011 through 2013 to carry out this section (other than for loan guarantees under subsection (d)).''.

SEC. 604. STUDY ON ECONOMIC COMPETITIVENESS AND INNOVATIVE CAPACITY OF UNITED STATES AND DEVELOPMENT OF NATIONAL ECONOMIC COMPETITIVENESS STRATEGY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall complete a comprehensive study of the economic competitiveness and innovative capacity of the United States.

(2) MATTERS COVERED.—The study required by paragraph (1) shall include the following:

(A) An analysis of the United States economy and innovation infrastructure.

(B) An assessment of the following:

(i) The current competitive and innovation performance of the United States economy relative to other countries that compete economically with the United States.

(ii) Economic competitiveness and domestic innovation in the current business climate, including tax and Federal regulatory policy.

(iii) The business climate of the United States and those of other countries that compete economically with the United States.

(iv) Regional issues that influence the economic competitiveness and innovation capacity of the United States, including—

(I) the roles of State and local governments and institutions of higher education; and

(II) regional factors that contribute positively to innovation.

(v) The effectiveness of the Federal Government in supporting and promoting economic competitiveness and innovation, including any duplicative efforts of, or gaps in coverage between, Federal agencies and departments.

(vi) Barriers to competitiveness in newly emerging business or technology sectors, factors influencing underperforming economic sectors, unique issues facing small and medium enterprises, and barriers to the development and evolution of start-ups, firms, and industries.

(vii) The effects of domestic and international trade policy on the competitiveness of the United States and the United States economy.

(viii) United States export promotion and export finance programs relative to export promotion and export finance programs of other countries that compete economically with the United States, including Canada, France, Germany, Italy, Japan, Korea, and the United Kingdom, with noting of export promotion and export finance programs carried out by such countries that are not analogous to any programs carried out by the United States.

(ix) The effectiveness of current policies and programs affecting exports, including an assessment of Federal trade restrictions and State and Federal export promotion activities.

(x) The effectiveness of the Federal Government and Federally funded research and development centers in supporting and promoting technology commercialization and technology transfer.

(xi) Domestic and international intellectual property policies and practices.

(xii) Manufacturing capacity, logistics, and supply chain dynamics of major export sectors, including access to a skilled workforce, physical infrastructure, and broadband network infrastructure.

(xiii) Federal and State policies relating to science, technology, and education and other relevant Federal and State policies designed to promote commercial innovation, including immigration policies.

(C) Development of recommendations on the following:

(i) How the United States should invest in human capital.

(ii) How the United States should facilitate entrepreneurship and innovation.

(iii) How best to develop opportunities for locally and regionally driven innovation by providing Federal support.

(iv) How best to strengthen the economic infrastructure and industrial base of the United States.

(v) How to improve the international competitiveness of the United States.

(3) CONSULTATION.—

(A) IN GENERAL.—The study required by paragraph (1) shall be conducted in consultation with the National Economic Council of the Office of Policy Development, such Federal agencies as the Secretary considers appropriate, and the Innovation Advisory Board established under subparagraph (B). The Secretary shall also establish a process for obtaining comments from the public.

(B) INNOVATION ADVISORY BOARD.—

(i) IN GENERAL.—The Secretary shall establish an Innovation Advisory Board for purposes of obtaining advice with respect to the conduct of the study required by paragraph (1).

(ii) COMPOSITION.—The Advisory Board established under clause (i) shall be comprised of 15 members, appointed by the Secretary—

(I) who shall represent all major industry sectors;

(II) a majority of whom should be from private industry, including large and small firms, representing advanced technology sectors and more traditional sectors that use technology; and

(III) who may include economic or innovation policy experts, State and local government officials active in technology-based economic development, and representatives from higher education.

(iii) EXEMPTION FROM FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board established under clause (i).

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the completion of the study required by subsection (a), the Secretary shall develop, based on the study required by subsection (a)(1), a national 10-year strategy to strengthen the innovative and competitive capacity of the Federal Government, State and local governments, United States institutions of higher education, and the private sector of the United States.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include the following:

(A) Actions to be taken by individual Federal agencies and departments to improve competitiveness.

(B) Proposed legislative actions for consideration by Congress.

(C) Annual goals and milestones for the 10-year period of the strategy.

(D) A plan for monitoring the progress of the Federal Government with respect to improving conditions for innovation and the competitiveness of the United States.

(c) REPORT.—

(1) IN GENERAL.—Upon the completion of the strategy required by subsection (b), the Secretary of Commerce shall submit to Congress and the President a report on the study conducted under subsection (a) and the strategy developed under subsection (b).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The findings of the Secretary with respect to the study conducted under subsection (a).

(B) The strategy required by subsection (b).

SEC. 605. PROMOTING USE OF HIGH-END COMPUTING SIMULATION AND MODELING BY SMALL- AND MEDIUM-SIZED MANUFACTURERS.

(a) FINDINGS.—Congress finds that—

(1) the utilization of high-end computing simulation and modeling by large-scale government contractors and Federal research entities has resulted in substantial improvements in the development of advanced manufacturing technologies; and

(2) such simulation and modeling would also benefit small- and medium-sized manufacturers in the United States if such manufacturers were to deploy such simulation and modeling throughout their manufacturing chains.

(b) POLICY.—It is the policy of the United States to take all effective measures practicable to ensure that Federal programs and policies encourage and contribute to the use of high-end computing simulation and modeling in the United States manufacturing sector.

(c) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy and the Director of the Office of Science and Technology Policy, shall carry out, through an interagency consulting process, a study of the barriers to the use of high-end computing simulation and modeling by small- and medium-sized manufacturers in the United States.

(2) FACTORS.—In carrying out the study required by paragraph (1), the Secretary of Commerce, in consultation with the Secretary of Energy and the Director of the Office of Science and Technology Policy, shall consider the following:

(A) The access of small- and medium-sized manufacturers in the United States to high-performance computing facilities and resources.

(B) The availability of software and other applications tailored to meet the needs of such manufacturers.

(C) Whether such manufacturers employ or have access to individuals with appropriate expertise for the use of such facilities and resources.

(D) Whether such manufacturers have access to training to develop such expertise.

(E) The availability of tools and other methods to such manufacturers to understand and manage the costs and risks associated with transitioning to the use of such facilities and resources.

(3) REPORT.—Not later than 270 days after the commencement of the study required by paragraph (1), the Secretary of Commerce shall, in consultation with the Secretary of Energy and the Director of the Office of Science and Technology Policy, submit to Congress a report on such study. Such report shall include such recommendations for such legislative or administrative action as the Secretary of Commerce considers appropriate in light of the study to increase the utilization of high-end computing simulation and modeling by small- and medium-sized manufacturers in the United States.

(d) AUTHORIZATION OF DEMONSTRATION AND PILOT PROGRAMS.—As part of the study required by subsection (c)(1), the Secretary of Commerce, the Secretary of Energy, and the Director of the Office of Science and Technology Policy may carry out such demonstration or pilot programs as either Secretary or the Director considers appropriate to gather experiential data to evaluate the feasibility and advisability of a specific program or policy initiative to reduce barriers to the utilization of high-end computer modeling and simulation by small- and medium-sized manufacturers in the United States.

TITLE VII—NIST GREEN JOBS

SEC. 701. SHORT TITLE.

This title may be cited as the ''NIST Grants for Energy Efficiency, New Job Opportunities, and Business Solutions Act of 2010'' or the ''NIST GREEN JOBS Act of 2010''.

SEC. 702. FINDINGS.

Congress finds the following:

(1) Over its 20-year existence, the Hollings Manufacturing Extension Partnership has proven its value to manufacturers as demonstrated by the resulting impact on jobs and the economies of all 50 States and the Nation as a whole.

(2) The Hollings Manufacturing Extension Partnership has helped thousands of companies reinvest in themselves through process improvement and business growth initiatives leading to more sales, new markets, and the adoption of technology to deliver new products and services.

(3) Manufacturing is an increasingly important part of the construction sector as the industry moves to the use of more components and factory built sub-assemblies.

(4) Construction practices must become more efficient and precise if the United States is to construct and renovate its building stock to reduce related carbon emissions to levels that are consistent with combating global warming.

(5) Many companies involved in construction are small, without access to innovative manufacturing techniques, and could benefit from the type of training and business analysis activities that the Hollings Manufacturing Extension Partnership routinely provides to the Nation's manufacturers and their supply chains.

(6) Broadening the competitiveness grant program under section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) could help develop and diffuse knowledge necessary to capture a large portion of the estimated $100 billion or more in energy savings if buildings in the United States met the level and quality of energy efficiency now found in buildings in certain other countries.

(7) It is therefore in the national interest to expand the capabilities of the Hollings Manufacturing Extension Partnership to be supportive of the construction and green energy industries.

SEC. 703. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY COMPETITIVE GRANT PROGRAM.

(a) IN GENERAL.—Section 25(f)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(3)) is amended—

(1) by striking ''to develop'' in the first sentence and inserting ''to add capabilities to the MEP program, including the development of''; and

(2) by striking the last sentence and inserting ''Centers may be reimbursed for costs incurred under the program. These themes—

''(A) shall be related to projects designed to increase the viability both of traditional manufacturing sectors and other sectors, such as construction, that increasingly rely on manufacturing through the use of manufactured components and manufacturing techniques, including supply chain integration and quality management;

''(B) shall be related to projects related to the transfer of technology based on the technological needs of manufacturers and available technologies from institutions of higher education, laboratories, and other technology producing entities; and

''(C) may extend beyond these traditional areas to include projects related to construction industry modernization.''.

(b) SELECTION.—Section 25(f)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(5)) is amended to read as follows:

''(5) SELECTION.—

''(A) IN GENERAL.—Awards under this section shall be peer reviewed and competitively awarded. The Director shall endeavor to select at least one proposal in each of the 9 statistical divisions of the United States (as designated by the Bureau of the Census). The Director shall select proposals to receive awards that will—

''(i) create jobs or train newly hired employees;

''(ii) promote technology transfer and commercialization of environmentally focused materials, products, and processes;

''(iii) increase energy efficiency; and

''(iv) improve the competitiveness of industries in the region in which the Center or Centers are located.

''(B) ADDITIONAL SELECTION CRITERIA.—The Director may select proposals to receive awards that will—

''(i) encourage greater cooperation and foster partnerships in the region with similar Federal, State, and locally funded programs to encourage energy efficiency and building technology; and

''(ii) collect data and analyze the increasing connection between manufactured products and manufacturing techniques, the future of construction practices, and the emerging application of products from the green energy industries.''.

(c) OTHER MODIFICATIONS.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended—

(1) by adding at the end the following:

''(7) DURATION.—Awards under this section shall last no longer than 3 years.

''(8) ELIGIBLE PARTICIPANTS.—In addition to manufacturing firms eligible to participate in the Centers program, awards under this subsection may be used by the Centers to assist small- or medium-sized construction firms. Centers may be reimbursed under the program for working with such eligible participants.

''(9) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise authorized or appropriated to carry out this section, there are authorized to be appropriated to the Secretary of Commerce $7,000,000 for each of the fiscal years 2011 through 2013 to carry out this subsection.''.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than May 31, 2013, the Comptroller General of the United States shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology that evaluates the status of the programs authorized in this Act, including the extent to which such programs have been funded, implemented, and are contributing to achieving the goals of the Act.

SEC. 802. SALARY RESTRICTIONS.

(a) OBSCENE MATTER ON FEDERAL PROPERTY.—None of the funds authorized under this Act may be used to pay the salary of any individual who is convicted of violating section 1460 of title 18, United States Code.

(b) USE OF FEDERAL COMPUTERS FOR CHILD PORNOGRAPHY OR EXPLOITATION OF MINORS.—None of the funds authorized under this Act may be used to pay the salary of any individual who is convicted of a violation of section 2252 of title 18, United States Code.

SEC. 803. ADDITIONAL RESEARCH AUTHORITIES OF THE FCC.

Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end the following:

''SEC. 12. ADDITIONAL RESEARCH AUTHORITIES OF THE FCC.

''In order to carry out the purposes of this Act, the Commission may—

''(1) undertake research and development work in connection with any matter in relation to which the Commission has jurisdiction; and

''(2) promote the carrying out of such research and development by others, or otherwise to arrange for such research and development to be carried out by others.''.

TITLE IX—DEPARTMENT OF ENERGY

SEC. 901. SCIENCE, ENGINEERING, AND MATHEMATICS EDUCATION PROGRAMS.

(a) IN GENERAL.—Sections 3171, 3175, and 3191 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381h, 7381j, 7381p) are repealed.

(b) AUTHORIZATION OF APPROPRIATIONS FOR SUMMER INSTITUTES.—Section 3185(f) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381n(f)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) $25,000,000 for each of fiscal years 2011 through 2013.''.

(c) CONFORMING AMENDMENTS.—

(1) Subpart B of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381g et seq.) is amended by striking chapters 1, 2, and 5 (42 U.S.C. 7381h, 7381j, 7381p).

(2) Section 3195 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381r) is amended by striking ''chapters 1, 3, and 4'' each place it appears and inserting ''chapters 3 and 4''.

SEC. 902. ENERGY RESEARCH PROGRAMS.

(a) NUCLEAR SCIENCE TALENT PROGRAM.—Section 5004(f) of the America COMPETES Act (42 U.S.C. 16532(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) $9,800,000 for fiscal year 2011;

''(E) $10,100,000 for fiscal year 2012; and

''(F) $10,400,000 for fiscal year 2013.''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) $8,240,000 for fiscal year 2011;

''(E) $8,500,000 for fiscal year 2012; and

''(F) $8,750,000 for fiscal year 2013.''.

(b) HYDROCARBON SYSTEMS SCIENCE TALENT PROGRAM.—Section 5005 of the America COMPETES Act (42 U.S.C. 16533) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (H), by striking ''and'' at the end;

(B) in subparagraph (I), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(J) hydrocarbon spill response and remediation.''; and

(2) in subsection (f)(1)—

(A) in subparagraph (B), by striking ''and'';

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(D) $9,800,000 for fiscal year 2011;

''(E) $10,000,000 for fiscal year 2012; and

''(F) $10,400,000 for fiscal year 2013.''.

(c) EARLY CAREER AWARDS.—Section 5006(h) of the America COMPETES Act (42 U.S.C. 16534(h)) is amended by striking ''2010'' and inserting ''2013''.

(d) PROTECTING AMERICA'S COMPETITIVE EDGE (PACE) GRADUATE FELLOWSHIP PROGRAM.—Section 5009(f) of the America COMPETES Act (42 U.S.C. 16536(f)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) $20,600,000 for fiscal year 2011;

''(5) $21,200,000 for fiscal year 2012; and

''(6) $21,900,000 for fiscal year 2013.''.

(e) DISTINGUISHED SCIENTIST PROGRAM.—Section 5011(j) of the America COMPETES Act (42 U.S.C. 16537(j)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) $31,000,000 for fiscal year 2011;

''(5) $32,000,000 for fiscal year 2012; and

''(6) $33,000,000 for fiscal year 2013.''.

SEC. 903. BASIC RESEARCH.

Section 971(b) of the Energy Policy Act of 2005 (42 U.S.C. 16311(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(5) $5,247,000,000 for fiscal year 2011;

''(6) $5,614,000,000 for fiscal year 2012; and

''(7) $6,007,000,000 for fiscal year 2013.''.

SEC. 904. ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.

Section 5012 of the America COMPETES Act (42 U.S.C. 16538) is amended—

(1) in subsection (a)(3), by striking ''subsection (m)(1)'' and inserting ''subsection (n)(1)'';

(2) in subsection (c)(2)(A), by inserting ''and applied'' after ''advances in fundamental'';

(3) in subsection (e)—

(A) in paragraph (3)—

(i) by striking subparagraph (C) and inserting the following:

''(C) research and development of advanced manufacturing process and technologies for the domestic manufacturing of novel energy technologies; and''; and

(ii) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) pursuant to subsection (c)(2)(C)—

''(A) ensuring that applications for funding disclose the extent of current and prior efforts, including monetary investments as appropriate, in pursuit of the technology area for which funding is being requested;

''(B) adopting measures to ensure that, in making awards, program managers adhere to the purposes of subsection (c)(2)(C); and

''(C) providing as part of the annual report required by subsection (h)(1) a summary of the instances of and reasons for ARPA–E funding projects in technology areas already being undertaken by industry.'';

(4) by redesignating subsections (f) through (m) as subsections (g) through (n), respectively;

(5) by inserting after subsection (e) the following:

''(f) AWARDS.—In carrying out this section, the Director may provide awards in the form of grants, contracts, cooperative agreements, cash prizes, and other transactions.'';

(6) in subsection (g) (as redesignated by paragraph (4))—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) IN GENERAL.—The Director shall establish and maintain within ARPA–E a staff with sufficient qualifications and expertise to enable ARPA–E to carry out the responsibilities of ARPA–E under this section in conjunction with other operations of the Department.'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the paragraph heading, by striking ''PROGRAM MANAGERS'' and inserting ''PROGRAM DIRECTORS'';

(ii) in subparagraph (A), by striking ''program managers for each of'' and inserting ''program directors for'';

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''program manager'' and inserting ''program director'';

(II) in clause (iv), by striking '', with advice under subsection (j) as appropriate,'';

(III) by redesignating clauses (v) and (vi) as clauses (vi) and (viii), respectively;

(IV) by inserting after clause (iv) the following:

''(v) identifying innovative cost-sharing arrangements for ARPA–E projects, including through use of the authority provided under section 988(b)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)(3));'';

(V) in clause (vi) (as redesignated by subclause (III)), by striking ''; and'' and inserting a semicolon; and

(VI) by inserting after clause (vi) (as redesignated by subclause (III)) the following:

''(vii) identifying mechanisms for commercial application of successful energy technology development projects, including through establishment of partnerships between awardees and commercial entities; and'';

(iv) in subparagraph (C), by inserting ''not more than'' after ''shall be''; and

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end; and

(II) by striking clause (ii) and inserting the following:

''(ii) fix the basic pay of such personnel at a rate to be determined by the Director at rates not in excess of Level II of the Executive Schedule (EX–II) without regard to the civil service laws; and

''(iii) pay any employee appointed under this subpart payments in addition to basic pay, except that the total amount of additional payments paid to an employee under this subpart for any 12-month period shall not exceed the least of the following amounts:

''(I) $25,000.

''(II) The amount equal to 25 percent of the annual rate of basic pay of the employee.

''(III) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5, United States Code.'';

(ii) in subparagraph (B), by striking ''not less than 70, and not more than 120,'' and inserting ''not more than 120'';

(7) in subsection (h)(2) (as redesignated by paragraph (4))—

(A) by striking ''2008'' and inserting ''2010''; and

(B) by striking ''2011'' and inserting''2013'';

(8) by striking subsection (j) (as redesignated by paragraph (4)) and inserting the following:

''(j) FEDERAL DEMONSTRATION OF TECHNOLOGIES.—The Director shall seek opportunities to partner with purchasing and procurement programs of Federal agencies to demonstrate energy technologies resulting from activities funded through ARPA–E.'';

(9) in subsection (l) (as redesignated by paragraph (4))—

(A) in paragraph (1), by striking ''4 years'' and inserting'' 6 years''; and

(B) in paragraph (2)(B), by inserting '', and the manner in which those lessons may apply to the operation of other programs of the Department'' after ''ARPA–E''; and

(10) in subsection (n) (as redesignated by paragraph (4))—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(C) $300,000,000 for fiscal year 2011;

''(D) $306,000,000 for fiscal year 2012; and

''(E) $312,000,000 for fiscal year 2013.'';

(B) by striking paragraph (4);

(C) by redesignating paragraph (5) as paragraph (4); and

(D) in paragraph (4)(B) (as redesignated by subparagraph (C))—

(i) by striking ''2.5 percent'' and inserting ''5 percent''; and

(ii) by inserting '', consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors described in subsection (g)(2)(B)(vii)'' after ''outreach activities''.

TITLE X—EDUCATION

SEC. 1001. REFERENCES.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the America COMPETES Act (Public Law 110–69).

SEC. 1002. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of the Act are repealed:

(1) Section 6001 (20 U.S.C. 9801).

(2) Part III of subtitle A of title VI (20 U.S.C. 9841).

(3) Subtitle B of title VI (20 U.S.C. 9851 et seq.)

(4) Subtitle C of title VI (20 U.S.C. 9861 et seq.).

(5) Subtitle E of title VI (20 U.S.C. 9881 et seq.).

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) by redesignating section 6002 (20 U.S.C. 9802) as section 6001;

(2) by redesignating subtitle D of title VI (20 U.S.C. 9871) as subtitle B of title VI; and

(3) by redesignating section 6401 (20 U.S.C. 9871) as section 6201.

SEC. 1003. AUTHORIZATIONS OF APPROPRIATIONS AND MATCHING REQUIREMENT.

(a) TEACHERS FOR A COMPETITIVE TOMORROW.—Section 6116 (20 U.S.C. 9816) is amended to read as follows:

''SEC. 6116. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $4,000,000 for each of fiscal years 2011 through 2013, of which—

''(1) $2,000,000 shall be available to carry out section 6113 for each of fiscal years 2011 through 2013; and

''(2) $2,000,000 shall be available to carry out section 6114 for each of fiscal years 2011 through 2013.''.

(b) ADVANCED PLACEMENT AND INTERNATIONAL BACCALAUREATE PROGRAMS AND MATCHING REQUIREMENT.—Section 6123 (20 U.S.C. 9833) is amended—

(1) in subsection (h)(1)—

(A) by striking ''100'' and inserting ''50''; and

(B) by striking ''200'' and inserting ''100''; and

(2) by striking subsection (l) and inserting the following:

''(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2011 through 2013.''.

(c) ALIGNMENT OF EDUCATION PROGRAMS.—Section 6201(j), as redesignated by section 1002(b)(3), is amended to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $120,000,000 for each of fiscal years 2011 and 2012.''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Gordon of Tennessee moves that the House concur in the Senate amendment to H.R. 5116.

The SPEAKER pro tempore. Pursuant to House Resolution 1781, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

□ 1340

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 5116.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

On October 12, 2005, in response to a bipartisan request by the Science and Technology Committee and some of our colleagues in the Senate, LAMAR ALEXANDER and JEFF BINGAMAN, the National Academies released their report, ''Rising Above the Gathering Storm.'' The distinguished panel painted a very scary picture. The report made it clear that, without action, the future was bleak for our children and grandchildren. This report was, without question, a call to arms.

September of this year, Norm Augustine released, ''Rising Above the Gathering Storm, Revisited: Rapidly Approaching Category 5.'' The updated report highlights progress that has been made in the past 5 years, including enactment of the original America COMPETES Act, but he underscores that America's competitive position in the world now faces greater challenges and that research investments are even more critical today.

The message from the report is clear: We need to double-down on our investments in science and technology. The worst thing we could do would be to downshift while the rest of the world kicks it into high gear.

As chairman of the Gathering Storm Committee and former chairman and CEO of Lockheed Martin, Norm Augustine said, in all the years he was an aircraft engineer and dealing with the common dilemma of trying to make an overweight aircraft fly, the solution was never to lop off an engine. Science funding is the engine of a knowledge-based economy. If we remove it, our economy will crash and burn.

More than half of our economic growth since World War II can be attributed to development and adoption of new technologies. These investments are the path towards sustained economic recovery and growth and the path toward prosperity for the next 50 years. There is an undeniable relationship between investment in R&D and the creation of jobs, the creation of companies, and economic growth.

The Science Coalition, a nonprofit, nonpartisan organization of the Nation's leading research universities, released a report entitled, ''Sparking Economic Growth: How Federally Funded University Research Creates Innovation, New Companies and Jobs.'' This report tells the stories of 100 companies, including Google, Cisco, SAS, Genentech, Orbital Sciences, Sun Power, Medtronic, Hewlett Packard, and many others, that were all created based on research funded with Federal dollars.

The U.S. Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, the Council on Competitiveness, and the Task Force on American Innovation all understand the benefits to U.S. companies of making a sustained commitment to research and STEM education. We have a huge opportunity before us to make progress toward that goal.

While there have been concessions made in light of the economic environment, this bill preserves the intent of the ''Rising Above the Gathering Storm'' report and the original COMPETES. It keeps our basic research agencies on a doubling path. It continues to invest in high-risk, high-reward energy technology development. It will help improve STEM education, and it will help unleash the American spirit of innovation. COMPETES is, and will continue to be, a bipartisan, bicameral effort about which every Member can feel proud.

I applaud all of the people who have worked on this bill, including all the members of the Science and Technology Committee and my dear friend, RALPH HALL. This has been a team effort, across the aisle and across the Capitol.

I also want to take a moment to extend a sincere and heartfelt thank you to the staff of the Committee on Science and Technology, both minority and majority. Their tireless efforts in crafting the House version of this legislation, working through the tough spots, and shepherding it to final passage today deserves special acknowledgment. Without them, this reauthorization of COMPETES would not have been possible.

We are all familiar with the legions of smart, talented professionals who grace the corridors of this institution, and I am sure each of us is impressed on a regular basis with the knowledge and expertise of the staff we work with most closely. However, I am always amazed by the wealth of knowledge lodged with the staff of the Science and Technology Committee. I simply can't say enough about the staff's talent, insight, and institutional knowledge. Their hard work has made the Science Committee more productive, and it has made me a better chairman.

Mr. Speaker, I am proud that, in the two terms that I have had the privilege to lead the Science and Technology Committee, the committee has had 151 bills and resolutions pass the House, all with bipartisan support. But there is nothing that I am more proud of than the America COMPETES Act. There is nothing that we have done that will have deeper, longer lasting, and more positive impacts on our Nation than this bill.

I cannot think of anything I would rather be doing, on what is likely my final act on this House floor after 26 years of service, than sending this bill to the President's desk. It's important to me personally because I have a 9-year-old daughter, and if we do not want our children and grandchildren to inherit a national standard of living less than their parents, a reversal of the American Dream, we need to support research, foster innovation, and improve education.

The business community has urged us to pass this bill to support research, foster innovation, and improve education. The academic community has urged us to pass this bill to support research, foster innovation, and improve education. The scientific community has urged us to pass this bill to support research, foster innovation, and improve education. And every one of our colleagues in the Senate has agreed that this bill needs to be sent to the President's desk so the U.S. can support research, foster innovation, and improve education and create 21st century jobs.

I urge my colleagues to stand with the business community, the academic community, the scientific community, and to send a strong message that the U.S. must maintain its scientific and economic leadership.

With that, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of a very robust basic research and yield myself as much time as I may consume.

This COMPETES Act is back again. It's been here before, and it's living proof that Billy Graham was right when he said you can hate the sin but love the sinner. I'm fond of BART GORDON, have worked with him. We're going to miss him when he leaves here. But I've never really liked to have a great bill like COMPETES with so much piled on it, so many hundreds of thousands and millions of dollars piled on it that has never really been debated on either floor.

I've stated on this floor a lot of times this year, I remain committed to the goals of the original America COMPETES. Unfortunately, the Senate omnibus language before us today includes a hodgepodge of so many extraneous measures that it is indeed most surprising that we are considering this 5 days before Christmas. Like the House-passed version, it continues to take us off track from what he set out to do, in a bipartisan fashion, more than 5 years ago.

In 2007, Congress responded to the recommendations of many experts that the Federal Government must increase its investment in basic research and in science and math education by developing the America COMPETES Act. The principles behind the legislation were sound, bipartisan, and well-understood.

When COMPETES first passed, our budget deficit was projected at $160 billion, and the national debt was $8 trillion. Sadly, today, just 3 years later, the deficit's projected not $160 billion but $1.5 trillion, and the national debt is over $13 trillion, a 60 percent increase in less than 3 years. This dramatic collapse in our fiscal condition demands that we get spending under control and work harder than ever to patronize taxpayer dollars.

Before I delve into the depths of the bill, let me discuss the process that brought us to this point.

The Senate negotiated amongst themselves and hotlined a bill, then passed it via unanimous consent, that is much different than the bill reported out of even the Senate conference committee back in July. The report on that bill was not filed until December 10, and we didn't see the actual text of the amendment before us until last Friday, this past Friday. We still don't have a complete CBO cost estimate.

□ 1350

Now as we are under a closed rule, we are considering a measure that the Senate has spoken on; but the House as a body, both Democrats and Republicans alike, are having to either accept or reject the Senate's desire in whole, with no opportunity to offer amendments. This is not the way the American people want us to do their business.

They told us in November that they want us to do things differently, and this lame duck Congress is going against those wishes and denying us opportunity to carefully review the items in this $46 billion amendment.

Men who are much smarter than me and whom I greatly respect, like Norm Augustine and Peter O'Donnell, Jr., have encouraged me to support this bill. But, Mr. Speaker, it is hard for me to say that I just can't support this version of COMPETES. If this Senate COMPETES amendment is defeated today, I pledge as the incoming chairman of the Science and Technology Committee to reintroduce the good, fiscally responsible pieces of this comprehensive legislation agency by agency and issue by issue, giving each individual piece the opportunity to be reviewed and voted on by every Member.

Science and technology are the fundamental movers of our economy, and if we want to remain globally competitive, this bill should be considered in smaller pieces and not on the last day of a lame duck congressional session.

Yes, our friends in the Senate have made it a 3-year reauthorization bill, and, yes, they have nearly cut the cost in half; but this $46 billion bill still contains $7.4 billion in new spending.

My good friend and chairman of the committee will tell you that the Senate stripped a number of provisions from the version previously passed and trimmed the bill considerably. I, too, think the Senate missed an opportunity to retain some of the House-passed language, particularly language to assist institutions serving our Nation's veterans and those with disabilities, and language to eliminate pay for Federal employees officially disciplined for viewing, downloading, or exchanging pornography on their work computers.

Unfortunately, it also does not include two bipartisan interagency bills

that passed the House as standalone legislation, bills that would reauthorize our Nation's nanotechnology program and our networking information technology R&D program, NITRD.

On the other hand, I am heartened to see that the Senate removed a number of expensive and in many cases duplicative initiatives added by the House both in committee and on the floor: among them energy hubs, a clean energy consortium, never-before-funded STEM programs at the Department of Education, a laboratory science program, and a decades-old infrastructure construction program at the National Science Foundation.

Alas, it is the items that they did not remove or have not removed on their own, without our input, that cause me the most heartburn. I still have great concern that we are authorizing ARPA-E to the tune of $900 million. This program was never voted on by the House or Senate outside of a conference report, nor has it ever received appropriate funding outside of the stimulus bill. Yet we are going to authorize $900 million to a program that focuses on late-stage technology development and commercialization activities often already supported by the private sector. The amendment before us also keeps and expands a loan guarantee program to build or renovate science parks and develop ''regional innovation clusters,'' alters the MEP program for NIST to make grants to construction and green energy companies, and puts NSF in the business of replicating university programming for future STEM teachers.

Mr. Speaker, correct me if I'm wrong, but America COMPETES is about making this Nation more competitive and ensuring that our basic research agencies have the funding they need to pursue the unknown and scientific and engineering breakthroughs that propel us into the future. It is not about turning these agencies into infrastructure contractors and leaders or oracles, for that matter, who pick winners and losers.

As much as I want to support COMPETES and see NSF, NIST, and the DOE Office of Science reauthorized, I simply can't support this version.

Just like I stated when the House took up the measure on all three previous occasions, this measure continues to be far too expensive, particularly in light of the new and duplicative programs it creates. Further, we have not had the opportunity to give proper oversight to the programs we put in motion in the first COMPETES before authorizing new, additional programs. And, unfortunately, this bill still goes way beyond the goals and direction of the original America COMPETES, taking us from good, solid fundamental research and much too far into the world of commercialization, which many of us on this side of the aisle do not believe is the proper role of the Federal Government.

I want to again thank BART GORDON for the good services he's rendered and for the good service he'll render as a civilian over in the great State of Tennessee.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI), the chairman of the Subcommittee on Research and Science Education.

Mr. LIPINSKI. Mr. Speaker, as unemployment remains painfully high, and we see our students falling behind in math and science, Americans are asking: What can be done to make our future better?

Although today's bill won't gain big headlines, it is a critical step forward. This approach to research, education, and innovation will lead to a better prepared and better educated domestic workforce and an economy built for long-term success.

I am particularly grateful for the leadership of Chairman BART GORDON, the driving force behind the original COMPETES bill and this reauthorization. He has accomplished much in his 26 years in Congress and has fought tirelessly to make Congress and all Americans realize that science and engineering advancements mean economic growth.

As a former college professor, an engineer, and an advocate for American manufacturing, I firmly believe that this bill will help create jobs and ensure a higher standard of living for future generations.

Much of the National Science Foundation title of this bill comes from my bill in the Research and Science Education Subcommittee. Although not as much as I would like to see, this compromise authorizes a steady, responsible increase in research and STEM education funding and properly emphasizes commercialization. The bill also includes language based on the GENIUS Act I introduced with FRANK WOLF to authorize offering cash prizes for solutions to our most difficult scientific problems.

Perhaps most important are the provisions that will help reinvigorate American manufacturing, including the newly created NSF manufacturing research program, and an initiative to help smaller manufacturers reduce costs and increase quality through high-performance computing.

The bill calls for a national competitiveness strategy that includes some elements from my National Manufacturing Strategy Act that the House passed this past summer.

I urge my colleagues to join me not only in voting for this today, but also fighting to fully fund it. If we want to maintain our economic strength, we cannot shortchange critical investments made in this bill for our people or for our research infrastructure. I urge passage of this bill, and I want to especially thank Chairman BART GORDON for all of his work in Congress and all that he has accomplished. This bill is a great testament to his leadership.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding. I did not expect to speak, and I do not have any prepared comments or notes; but I am going to speak on issues of science which I feel qualified to speak on because I am a scientist, specifically a nuclear physicist. I also want to make it clear I have never received any grant money from the NSF. When I did research, I was supported by the Federal Government directly through the Department of Energy or by the U.S. Navy.

The Federal Government plays an important role in guiding the economy of our Nation. Much of that role is carried forth by the National Science Foundation and some of the other funding agencies.

Let me just give one specific example which I am very familiar with because it is related to my area of research. My good friend, Charlie Townes, who won a Nobel Prize for developing the laser, discovered some years ago that he could make a maser—microwave amplification by stimulated emission of radiation. He decided he could do it with microwaves, and he could do it with light.

So he developed a laser and won the Nobel Prize. How much money did he get from the Federal Government for his research, I don't really know, but I would guess probably not more than $50,000. How much has that contributed to the economy of this Nation? Billions and billions of dollars. Just look at the laser industry and the use of lasers today in so many ways—a huge payoff on government investment in research.

□ 1400

Also, we tend to fund the National Institutes of Health with a healthy amount every year because we are very interested in improving health. How many in this body know that some of the greatest discoveries in health were done by physicists, many of whom were supported by the National Science Foundation? X rays, how would we get along without x rays? Discovered by a physicist, a gentleman by the name of Rontgen in Germany. What about the MRI? The basic concepts developed by physicists. The same for the CAT scan. The basic idea was developed by physicists—not by doctors, not by M.D.'s, but physicists doing basic research. And that's what the National Science Foundation is all about, and that's what keeps our economy stimulated in this Nation.

We have a great deal to fear from the nation of China. China is investing huge amounts of money and is training more engineers and scientists far more than we are producing. They are spending a lot of money on research. And if we wonder why they are doing better than we are in the Nation's economy, it is largely because they are supporting the people who contribute to the development of technology, science, et cetera.

Now, I worked on this issue several years ago. I do not claim credit for the

COMPETES Act. But I did work with Sherry Boehlert, a Congressman who was chairing the Science Committee; FRANK WOLF, who was the chair of the Appropriations Committee dealing with science, and at the suggestion of FRANK WOLF, I arranged for a meeting with the White House. I tried to meet with President Bush. Instead, I met with the Director of the Office of Management and Budget. And over breakfast, I explained, in far more detail than I can do here, precisely what this country needed if we are going to compete in the international marketplace. And the Director of Management and Budget said afterwards, You sold me, but where are we going to get the money? I said, I have ideas for that, too, and presented my ideas.

Out of that, in the next State of the Union speech, President George W. Bush developed the idea of the COMPETES Act. And it was a delight to work with the White House, with the President and with the Office of Management and Budget in developing the COMPETES Act.

Now, I know some of you are concerned about some aspects of the COMPETES Act as it is before us today. I share some of those concerns but certainly not all of them. But the basic point here is that, if we do not act, we are letting down the manufacturers of America.

I was here for the debate on the rule, and I noticed a gentleman from Oklahoma commenting against this act, we should not be supporting this sort of thing. That is very easy to say if you are representing a State where you simply drill holes in the ground and pull out money in the form of oil. Michigan does not have that. Michigan has to work very, very hard to manufacture cars that will sell to the public and get its money, and we all know what has happened there over the last few years.

I think it's very important that we recognize we are not going to compete successfully in the international marketplace unless we invest more money in research, research which is then used by manufacturers to develop new products and to make money and provide jobs.

I strongly urge us to pass this bill. I know it has shortcomings. There are a lot of things I am not happy with either. But the Republicans are taking over next year, and we can then proceed to write the bill precisely the way we want it. But I urge that we do not kill this bill at this time but, rather, that we pass it.

Mr. GORDON of Tennessee. Mr. Speaker, let me first congratulate Dr. EHLERS on a stellar congressional career. His contribution to the Science Committee was enormous, and he will be missed. And having spent as much time as I have on the Science Committee, you develop affection for the committee, for the people, for the Members, and for the staff.

So it is with, really, gratitude that I know that the gentlelady from Texas (Ms. EDDIE BERNICE JOHNSON) is going to be the ranking member in the coming 112th Congress, and I yield to her 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I do rise in support of H.R. 5116, the America COMPETES Reauthorization Act. And I am proud to say that I have worked with Dr. EHLERS, with our incoming chairman, Mr. HALL, as well as our outgoing chairman.

We all know that the reauthorization of America COMPETES is to ensure that our future is more prosperous than our past. It is about ensuring America's memories are honored by investing in dreams that are even higher. The legislation before the U.S. Congress today is a message, a message that makes America understand that we are not here just to compete but to lead the 21st century.

As a member of the House Science and Technology Committee for over 18 years, I am proud to be an author of this bipartisan legislation. As it returns from the Senate, it is not the same bill that we sent over. But nothing is perfect around here, and we are not headed in the future to be perfect. But we must stand up and make sure that our responsibilities to our country and to our future will be intact. Therefore, I will support this legislation and hope that we can improve it at another time.

I am eager to serve with Mr. HALL, as ranking member on the committee, and I hope that we can continue to look at what this country needs to do to educate its young people so that we can be in the future. We are losing ground, and I hope that we will find ways to regain it. I have in mind to try to bring with the chairman a group of CEOs, superintendents, teachers together around the table so we can all understand what we must do to educate our young people for the future if we want to be anywhere near competing with the rest of the world.

I am pleased that this bill reauthorized the Noyce Teacher Scholarship Program, a program which I helped to shape. This program helps to prepare thousands of qualified new teachers and provides current teachers with academic and development courses. Every bit of our research shows that that's one of our major problems. We have teachers teaching courses where they have never majored. Seventy percent of them, as a matter of fact, in this country are teaching courses where they never majored.

It is never going to be what we want as long as we have teachers teaching math, science, engineering that have never majored in it in college. We have to have teachers who are more prepared. And as women and minorities continue to be underrepresented in the sciences, it is unfortunate that the Senate chose to cut out the Fulfilling the Potential of Women in Academic Science and Engineering Act. I have sponsored that for two sessions. I will again. I do not believe that we, as a Nation, can compete ever with ignoring the fact that 50 percent of its brainpower is left behind. I am pleased that this bill does prohibit the consolidation of programs that serve minority institutions and students in the National Science Foundation.

We must be proactive. We have more work to ensure that all Americans are afforded the same chance to compete in the 21st century. It is not an in-your-face. It is not a civil rights act. It is to make sure that the majority of the students in this Nation become prepared to save this Nation.

We cannot sit around and think that it is going to happen without effort. We need to help our schools around the Nation to elevate their math and science programs so that they can achieve the standard exemplified by the School of Science and Engineering at Townview, a high school in my district, in Dallas, Texas, which is rated one of the best public schools in the Nation. But that's only 20 percent of the students in the District. We must make sure that that quality of education is offered to all of our students.

I want to commend Chairman GORDON and Ranking Member, soon-to-be chairman, Mr. HALL for their hard work on the legislation. And I believe that if nothing else gels us as a committee, looking out for our young people and the future of our Nation will become a real goal to achieve because it represents what is bipartisan; it represents a concerted effort to create a more competitive science and engineering workforce.

I support this bill, Mr. Speaker. It is not perfect. But we have got to move on and look to the future.

□ 1410

Mr. HALL of Texas. Mr. Speaker, I say to my colleague who will be working side by side with me for the next 2 years, my neighbor from Dallas and Rockwall County, that I appreciate her, look forward to working with her. She was the very first person, when I switched parties, to call me and say it didn't matter one iota to her. I've always appreciated her for that, and I still do and I will.

And thank you, Dr. EHLERS, a man who's always educated for us. That's his thrust, and he's done a good job. But for him, we'd have gone the wrong way a lot of times.

I now yield 5 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I rise today in opposition to the Senate amendment to H.R. 5116, the American COMPETES Reauthorization Act of 2010.

But before sharing my views on this COMPETES reauthorization, I want to take this opportunity to share my frustration and express the frustration of my constituents. I know that I'm not alone in the view that working on consequential pieces of legislation in a lame duck session, outside of the proper legislative process, is simply wrong.

In fact, it could be argued that it's unconstitutional.

The 20th amendment of the Constitution moved the start date of new Congresses from March to January to stop exactly what we're doing here today, passing important legislation in a lame duck session. In 1932, Democratic Representative Wilburn Cartwright of Oklahoma stated, ''This amendment will free Congress of the dead hand of the so-called lame duck.'' Sadly, he could not have been more wrong.

The Democrats are using this lame duck session to continue pursuing their rejected agenda. This is no different than a CEO being fired and continuing to make major decisions for the company that he was just fired from for another 2 months. We must stop this end-run around the electoral process and the U.S. Constitution by prohibiting further lame duck legislation.

Now, this COMPETES reauthorization is the perfect example of why we need to end lame duck legislation. It contains reckless spending and misguided policy initiatives. The closed-door process through which it was developed is irresponsible at a time when the Federal deficit has ballooned to $1.5 trillion, and our national debt will soon eclipse $14 trillion. These unprecedented figures are not deterring our Democratic colleagues from authorizing over $45 billion of spending, $7 billion of which is new spending in this bill.

Beyond the out-of-control spending, a clear shift in policy priorities away from those envisioned in the original COMPETES process now exists in this bill.

When the National Academy of Sciences unveiled the ''Gathering Storm'' report in 2005, it identified funding for long-term basic research as the top priority for science and technology. Today's reauthorization emphasizes late-stage technology commercialization activities and beyond to manufacturing and construction activities, priorities that should not be the responsibility of the Federal Government.

For example, title VI of this bill creates a loan guarantee program to stabilize innovative manufacturing, a loan guarantee program to subsidize construction and renovation of research parks, and a vaguely defined regional innovation program to support grants to create innovation clusters as well as construct and renovate research parks.

Finally, I want to note my disappointment associated with the process on this bill. Many Republican amendments that were incorporated in the House-passed bill were changed or deleted without any Member consultation. This was the case with an amendment I offered prohibiting any lobbying effort associated with the activities authorized in the bill.

This bill spends money that we don't have on things we don't need and, in some cases, on things the government simply should not be involved in. It is the product of backroom dealings that excluded House Republicans, and it simply should not pass at this late stage of 111th Congress.

I urge opposition to this bill. I urge a ''no'' vote.

Mr. GORDON of Tennessee. Mr. Speaker, for the purposes of a unanimous consent request, I yield to a very important contributor to this bill, the gentleman from California (Mr. MILLER), chairman of the Education and Labor Committee.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the chairman for yielding, and I thank him for all of his work on this legislation.

Mr. Speaker, I rise today in strong support of the America COMPETES Reauthorization Act.

This legislation makes strategic and smart investments in students pursuing degrees in the science, technology, engineering or math fields.

It continues the Noyce Teacher Scholarship Program, which encourages students studying in STEM fields to earn a teaching credential and enter the classroom.

It makes changes to encourage more colleges and universities to participate in these programs.

This will ensure we have prepared teachers in our nation's science and mathematics classrooms to educate and inspire the next generation of engineers and entrepreneurs.

The COMPETES Act also continues funding for the Advanced Placement and International Baccalaureate programs—programs that set high standards and give students the advanced skills they need for the workforce of tomorrow.

This legislation couldn't come at a more important time. It invests in our future competitiveness at a time when our global reputation is not where it should be.

Over just the past few years we have begun to reinvigorate and awaken the American drive to innovate, but we have much further to go.

Earlier this month, the results of the 2009 Program for International Student Assessment showed that the United States ranks average, or 17th out of the 33 other industrialized nations.

The difference between the countries at the top of these rankings and the U.S. is that the countries that are outperforming us have made developing the best education system in the world a national goal.

They've recognized that the strength of their economy will be inextricably tied to the strength of their education system in the 21st century.

It is time we decide as a nation that we can no longer afford to stay just average.

By passing this legislation, we will continue our efforts to strengthen the STEM fields. We will improve our global competitiveness and our economic stability.

I urge all my colleagues to support this bill.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU), the subcommittee chairman on Technology and Innovation, someone who made a great contribution to this bill.

Mr. WU. Mr. Speaker, I rise in strong support of this reauthorization bill, and I want to just point out to my friend from Georgia that not everything that one is opposed to is unconstitutional. And I share the gentleman's concern about this lame duck session. And if the gentleman wanted to propose a constitutional amendment to move our swearing-in date to the first Tuesday in November, perhaps his concerns would be addressed. But pending that, we have a lot of legitimate activity for very, very important legislation. And I can think of no greater tribute to the outgoing chairman, Mr. GORDON, and Mr. HALL, who has worked with the chairman for a long time on this legislation, than the passage of this bill.

I'm particularly proud of the contribution that my subcommittee, the Technology and Innovation Subcommittee, has made to this legislation, because long-term investment in innovation is absolutely crucial to our Nation's global competitiveness, and we have a responsibility to support the kind of economic environment that empowers our Nation's private sector to innovate and create high-wage, private-sector jobs.

The bipartisan legislation that we are considering today will strengthen our Nation's economic competitiveness by helping to create an environment that encourages innovation and which facilitates growth.

As the chairman rightfully pointed out, innovation accounted for greater than 50 percent of U.S. GDP growth from World War II to the year 2000, and innovation can help America grow our way out of our current anemic economic state.

Among other things, the bill makes crucial investments in the Manufacturing Extension Partnership, which will help us better address the needs of our Nation's small and medium-sized manufacturers.

The bill will also help ensure that students and trainees will have what is necessary to secure a good-paying job in their own community by requiring MEP centers to work with community colleges to train for the skills needed by local manufacturers.

The SPEAKER pro tempore (Mrs. HALVORSON). The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. WU. This is great legislation. The chairman has done a great job, and I urge passage.

Mr. HALL of Texas. Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 2 minutes to our resident authority on nuclear energy, the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. I want to commend you, Mr. Chairman, for an extraordinary piece of work, and Ranking Member HALL and the other members

of the committee. I came to this committee halfway through the year, and I was absolutely amazed and delighted to see the intensity of discussions—35 separate hearings.

And my colleague from Georgia who thinks we ought to put this off, I cannot imagine leaving a job half done—not half done, but 99 percent done, and then let it go after all the work that's been put together here.

This is a good bill. I don't ever like what the other House does to my legislation, and I'm sure all of us feel the same way. But what I'd like to point out here in this bill is that there are basically five things that this Nation needs to do if we're going to succeed economically: best education, best research, make the things that come from that research, have the infrastructure, and then be international.

□ 1420

This is about three of those things, three very important things. The education, the STEM education is in this legislation. Without it, we will never be able to compete. And we ought not wait until next year to get that going.

Secondly, with regard to the research, it is fundamental. I come from California, the great Silicon Valley and all of those new technologies come from the research at the universities in the surrounding area. This legislation promotes that research agenda across the Nation, not just in California, but at every other research institution throughout the United States.

And finally, there is a major piece of this legislation that talks about making it in America. If we are going to have a strong middle class, a strong economy, we must once again make it in America. This legislation provides some fundamental elements necessary for us to do that. For example, the loan guarantee that was degraded just a few moments ago is exceedingly important because that's the valley of death. How does an entrepreneur, how does a new business get through the valley of death? That's what this is about.

This legislation also provides a way in which we can coordinate our manufacturing expertise. With that, we ought to pass this bill and acknowledge the enormous amount of work that was done over the last Congress.

Mr. HALL of Texas. I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, may I inquire as to the amount of time that is remaining.

The SPEAKER pro tempore. The gentleman from Tennessee has 12½ minutes remaining and the gentleman from Texas has 13 minutes remaining.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1 minute to the gentlelady from Maryland (Ms. EDWARDS), who has been a very active and articulate member of our committee.

Ms. EDWARDS of Maryland. Thank you to the chairman for your leadership and your vision. I rise today in strong support of the work that you have put in on America COMPETES. It's legislation that's going to usher in a new era of scientific and economic leadership and prosperity for the country.

In particular, I want to highlight an amendment I authored that will give special consideration to high-needs schools and underrepresented teachers and minorities when determining STEM fellowship grants. My colleagues, we often come together to discuss the importance of education, laying the groundwork for economic prosperity. And here, America COMPETES is an important step forward to laying that foundation, to ensuring that opportunities provided in this legislation will be available to all of our young people, regardless of race or economic circumstance.

This is a game changer; not a Hail Mary pass but a playoff strategy for the future and for the long term success of our children. And we need all of these players on the field. So today let's put our shared sentiments into action, send America COMPETES to the President's desk so we can continue to generate economic competitiveness, creating high-wage jobs, and educating and preparing all our young people for the future.

Mr. HALL of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1 minute to another active member of our committee from Michigan (Mr. PETERS), who has been very active particularly in advanced vehicle technology.

Mr. PETERS. Madam Speaker, the America COMPETES Act supports American manufacturing, innovation, and global competitiveness. COMPETES recognizes the challenges facing America's 21st century manufacturers, as well as the importance of a healthy manufacturing base. The bill includes new manufacturing loan guarantees, improved research and development, and strengthens the Manufacturing Extension Partnership program. The bill also places a much-needed emphasis on science education, from grade schools to the university level. We need a highly educated workforce to create the next advanced vehicle technology or innovative product that will produce more high-quality jobs in America.

COMPETES also supports innovation clusters around the country and creates a focus on innovation within our Federal programs and agencies. America simply cannot afford to sacrifice its innovative edge to growing economies like China and India. The investments made by COMPETES are critical to America's long-term economic health, and I hope my colleagues will join me in supporting this bipartisan legislation.

Mr. HALL of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. TONKO), who has brought his energy expertise to our committee.

Mr. TONKO. I rise today in support of the America COMPETES Act, a debate that has continued for many months, and negotiations have followed, and we are finally one step away from this bipartisan victory. This legislation will create prosperity through science and innovation, reassert our economic and technological leadership throughout the world, and give future generations greater opportunity to achieve the American dream for decades to come.

I have seen firsthand the impact science and innovation can have on our communities. Recently, the Albany, New York, area in my district was named the third fastest high-tech job market in the country. This growth, coupled with today's legislation, is vital if the capital region of New York and the rest of our Nation are to continue on a path toward an innovation economy that, quote, ''Makes It In America.''

We must also educate the next generation of mathematicians and scientists. This bill does that by providing opportunities for STEM students to participate in hands-on scientific research.

Finally, I would like to thank Chairman GORDON for his leadership on this issue. Without his tireless work and that of the committee staff, along with Ranking Member HALL, we would not be here today.

Mr. Chair, you and your leadership will be sorely missed, and I wish you all the best.

Mr. HALL of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 2 minutes to an alumnus of our committee, the gentlelady from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, let me personally thank you for your leadership and continued focus on important issues here in this Congress.

I rise today to celebrate and to thank the chairman of the Science Committee, Chairman GORDON, for his years of commitment and intensity as it relates to the importance of this work. I also add my appreciation to Chairman-elect HALL, whom I have worked with, as I did Congressman GORDON, for some 12 years on the Science Committee. And once on the Science Committee, one can never leave its values and its importance.

As I sat on the Science Committee in the end of the 20th century, I always said that science was the work of the 21st century. And although bills are not perfect, and this bill that has come over from the other body is not, it is where we need to go. And I would simply remind my colleagues of the history of the Model T. When Henry Ford

developed the Model T, that technology generated into an enormous industry in the United States that created new technology and millions of jobs, I might say.

And so here we are today with a great need to reignite, restart our manufacturing journey. And I am delighted that this bill has seen the vision of getting elementary, middle school, high school students involved in the sciences. That's where our Achilles' heels are. That's where the vision comes to invent things, to make things to develop the next generation of jobs. And so it establishes an interagency with a STEM education coordination committee. It provides an interagency committee for coordination of manufacturing R&D.

And to listen to my colleagues talk about subsidies—do they realize that every country around the world is subsidizing their manufacturing to make them more competitive, to have a greater competitive edge? There is nothing wrong with creating jobs for America.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. HALL of Texas. Madam Speaker, I yield the lady 2 more minutes.

Ms. JACKSON LEE of Texas. There is nothing wrong with us subsidizing good work, good science, the opportunity for jobs. I don't know what the structure was. Maybe I will go and research what happened with Henry Ford. I saw in those days he put together his family pennies, he made the Model T, and here we are today. But we live in a different economy. We live in a changing time of the dollar. And we live in a time when other countries have no shame in subsidizing business.

□ 1430

We were on the floor earlier today where Germany is subsidizing Airbus. That is their right. But the question is, What are we doing to promote manufacturing?

This reauthorizes the National Science Foundation. It authorizes grants and manufacturing, research and education. That is a good thing. It authorizes program grants for 21st-century graduate education, as well as authorizing a program dealing with research for undergraduates. That is exciting. Innovation is part of what happens here. Then, of course, it authorizes research experiences for high school students as part of the research grants.

So, overall, I guess my bottom line is I am ready to go. I am excited about the opportunities in the 21st century. I want us making things again, whether it is submarines, whether it is airplanes, whether it is new technology for our military personnel, whether or not it is a new space shuttle, a CEV. I want us to make things again. That is how you put people back to work. That is how you keep people's minds churning: What is the next invention we can get? There is no shame to subsidizing this work. And I am delighted that not only are we doing that, but we are expanding the manufacturing loan guarantee program to permit loan guarantees to small and medium-sized manufacturers.

I tell you, my colleagues, these companies are out here waiting. They want to get going. There is limited opportunity for access to credit; and I can tell you, they are excited about this opportunity. Government not involved in helping a country go forward in manufacturing? Whoever heard of that. That is what everybody is doing. It is time for us to stand up as well.

So let me thank you, Chairman GORDON, for your service. I know you are going on to great things. Thank you for allowing me to share some time with you on the Science Committee, and the same to Chairman HALL. Again, vote for this.

I rise in support of H.R. 5116 to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

This legislation is crucial to our efforts to keep America number one by investing in modernizing our Nation's manufacturing, spurring American innovation through basic Research and Development, R&D, and high-risk, high-reward clean energy research, and strengthening math and science education to prepare students for the good jobs of the 21st century.

Today, we consider the Senate amendment to the America COMPETES Reauthorization Act, H.R. 5116, which passed the Senate by unanimous consent on Friday.

The Senate Amendment:

Keeps our Nation on a path to double funding for basic scientific research, which is crucial to some of our most innovative breakthroughs;

Creates jobs with innovative technology loan guarantees for small and mid-sized manufacturers and Regional Innovation Clusters to expand scientific and economic collaboration;

Promotes high-risk high-reward research to pioneer cutting edge discoveries through ARPA–E and promotes job creation in clean energy; and

Creates the next generation of scientists and entrepreneurs by improving science, math, technology, and engineering education at all levels

This bill:

Is a fiscally responsible compromise that reduces the authorization from 5 to 3 years, reducing the cost, and repeals the original COMPETES programs that have not been funded. The Bowles-Simpson deficit commission singled out basic scientific research as a long-term gain for the budget, as it is vital to our Nation's scientific and economic leadership. The bill also bans the use of funds to pay the salary of Federal employees convicted of looking at pornography on Federal property.

The bill is supported by the Chamber of Commerce, National Association of Manufacturers, Business Roundtable, TechAmerica, TechNet, American Association for the Advancement of Science, National Venture Capital Association, Information Technology Industry Council, Association of Public and Land-grant Universities, and Association of American Universities.

It is imperative for us to demonstrate our firm commitment to creating economic prosperity and maintaining the status of the United States as a worldwide leader in science and technology throughout the decades to come, and to give future generations a greater opportunity to achieve the American Dream. Therefore, I urge my colleagues to join me in supporting the passage of this important legislation.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1½ minutes to our example of the benefits of STEM education, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the chairman.

Madam Speaker, for decades, it's been clear that our investments in scientific research and education underwrite our national prosperity, yet we've continued to underinvest in these economic drivers. The National Academy issued a call for action 5 years ago with ''Rising Above the Gathering Storm,'' and Congress responded by holding a number of national town meetings arranged by then-Minority Leader Pelosi and then passing the America COMPETES Act under the chairmanship of Chairman GORDON. That legislation is now set to expire, and the National Academies has issued an update on our progress. It is an ominous warning. It says bluntly: ''Our Nation's outlook has worsened.''

Now, as a Member who has conducted NSF-funded research and who continually argues that our economic health depends on investment and research, I would have preferred the more robust funding authorization levels passed by this House earlier this year. However, this legislation does maintain a 10-year doubling path for funding for our basic research agencies.

I am especially pleased that the bill requires the development of a comprehensive national competitiveness and innovation strategy, a provision I wrote. The nations that are outcompeting us already have national innovation strategies in place. We should too. To guarantee a secure economic future for our children and in our Nation, we must not fail to provide robust funding for the programs in this legislation.

I want to commend Chairman GORDON for writing and taking action on this legislation. It is another part of a good legacy of his distinguished career.

Madam Speaker, I rise today in support of the America COMPETES Reauthorization Act of 2010 (H.R 5116). Our investments in scientific research and education underwrite our national prosperity and success. Economists attribute over half of the growth in our gross domestic product (GDP) since World War II to progress in science and technology. Yet for decades, we have underinvested in our nation's tools for advancing innovation and competitiveness. In 2005, the National Academies issued a call for action in the Rising Above the Gathering Storm report. Two years later, following a series of national town halls arranged by the then Majority Leader PELOSI, Congress responded by implementing many of the report's recommendations in the America COMPETES Act.

Yet now we are faced with the impending expiration of the COMPETES Act, and the National Academies has released an update on our progress since the original Rising Above the Gathering Storm report. It tells us that we have not done enough. It says bluntly, ''Our nation's outlook has worsened.'' Other countries are implementing many of the changes suggested five years ago while we continue to hold back on the necessary investments to rebuild, restructure, and renew our national innovation infrastructure. The reauthorization of the America COMPETES Act is essential if we are to maintain our competitive edge in the global economy.

Basic research is a powerful source of new and unexpected discoveries that can transform our economy. While I would have preferred the more robust funding authorization levels passed by the House earlier this year, this legislation maintains a 10-year doubling path for funding at our nation's basic research agencies—the National Science Foundation (NSF), the National Institutes of Standards and Technology (NIST), and the Department of Energy's Office of Science. These funds support fundamental research in every discipline, maintain our national laboratories, and provide vital training for the next generation of scientists and engineers. The dividends from our investments in research and development are the breakthroughs that yield new industries, drive job growth, and sustain our future economic and technological competitiveness.

The America COMPETES Reauthorization Act includes a number of new programs and initiatives to foster innovation. The Regional Innovation Program will help create and expand science parks and Regional Innovation Clusters to leverage collaboration between businesses, academic institutions, and other participants to facilitate the transfer of technologies from the laboratory to the commercial sector. The Office of Innovation and Entrepreneurship at the Department of Commerce will accelerate the commercialization of research and development by identifying ways to overcome existing barriers and providing access to relevant data and technical assistance. The legislation authorizes the Partnerships for Innovation program to help move research out of the lab and into the marketplace by strengthening ties between institutions of higher education and private sector entities.

Additional assistance for manufacturers and other businesses would promote the adoption of new technologies and improve productivity. The legislation requires NSF to support research in transformative advances in manufacturing, and it ensures that the Manufacturing Extension Partnership (MEP) program will inform regional community colleges of the skill sets needed by local manufacturers. A newly established Innovative Services Initiative will assist small- and medium-sized manufacturers in implementing energy and waste reduction technologies, including renewable energy systems. A loan guarantee program will allow manufacturers to access capital for the installation of innovative technologies and processes that will help increase their efficiency and maintain their competitiveness. A new interagency committee under the National Science and Technology Council will establish goals and coordinate federal programs in advanced manufacturing research and development.

To preserve our leadership in scientific and technical fields and strengthen our competitiveness in the twenty-first century economy, the U.S. must continue to produce the world's best scientists, and we must ensure that every student is exposed to the fundamentals of science, technology, engineering, and math, STEM. The America COMPETES Reauthorization Act will establish an interagency committee to coordinate federal STEM education programs and report to Congress annually on implementation of the STEM education strategic plan. Updates to the NSF's Robert Noyce Scholarship program will allow more schools to participate and more qualified STEM educators to reach high-need schools. Undergraduates will have more opportunities to participate in research, and support for graduate students will be strengthened. Women and minorities remain underrepresented in STEM fields, and this legislation continues programs to help expand the STEM talent pool and increase the diversity of our nation's future scientists.

In the energy field, this legislation reauthorizes programs at the Department of Energy's Office of Science, which is the nation's largest supporter of physical sciences research. In addition, the reauthorization of the Advanced Research Projects agency for Energy, ARPA–E, which is modeled on the successful Defense Advanced Research Projects Agency, DARPA, will help us pursue high-risk, high-reward energy technology develop that might not receive support otherwise.

Finally, I am pleased that this legislation incorporates two provisions that I offered and the House passed when it considered a previous version of this bill. The first requires the working group responsible for coordinating policies related to the dissemination and long-term stewardship of unclassified federally funded research to take into consideration the importance of peer-review and the role of scientific publishers in the peer-review process.

The second requires the Secretary of Commerce to prepare a comprehensive national competitiveness and innovation strategy. For decades, U.S. leadership in science, technology, engineering, and innovation was unquestionable. But we cannot pretend this is a given. In 2009, the Information Technology and Innovation Foundation found that among 40 major nations or regions, the U.S. ranks sixth in overall innovation and competitiveness. More importantly, over the last decade, every one of our competitors has improved their innovation capacity faster than us. Each of the five nations ranked by ITIF as ''out-competing'' the U.S. already has a national competitiveness or innovation strategy in place. All together, at least thirty other countries have implemented plans to boost their economic competitiveness through innovation and technological development. The United States has yet to put forward a similarly comprehensive roadmap for success. Our competitors are making plans to grow their economies by competing in the global marketplace. We should be too.

The America COMPETES Reauthorization Act makes long overdue investments in the foundations of our national innovation system. It will create jobs in both the short- and long-term, support manufacturers and businesses in commercializing new technologies, help us pursue a clean energy economy, improve STEM education, and strengthen our international competitiveness. Yet authorizing the programs in this legislation is only the first step in keeping the United States competitive. To guarantee a secure economic future for our children and for our nation, we must not fail to provide robust funding for these programs. Even as we face budgetary challenges and political pressure, we must ensure that our scientists, engineers, innovators, and entrepreneurs have the tools and resources they need to renew our economy and help us truly rise above the gathering storm. I commend the United States Senate for taking action on this bill, and I urge my colleagues to support this important piece of legislation.

Mr. HALL of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1 minute to our great majority leader and my great friend, Steny Hoyer.

The SPEAKER pro tempore. The gentleman from Maryland is recognized.

Mr. HOYER. Thank you very much, Speaker Halvorson. I appreciate your presiding over this historic piece of legislation.

I want to thank my friend BART GORDON. Chairman GORDON has been an extraordinary leader of this committee, an extraordinary member of the Energy and Commerce Committee; and in both of those venues he has focused on making sure that America could in fact compete and compete successfully and be the great Nation it has been, is now, and will continue to be as long as we keep investing in that which grows an economy—education, science, mathematics and engineering.

I know that he has worked with some of the great industrial leaders of our Nation on this legislation. Mr. Augustine comes to mind. We're very proud of him in Maryland.

But I want you to know how proud I am of BART GORDON. He said that I was one of his close friends. I think BART GORDON is one of my closest friends, not just in Congress, but in life. He and I have been here for a long time together.

The good news is the ranking—used to be Democrat, now Republican—RALPH HALL, is also a very close and dear friend of mine whom I have known all of my service here. He and I came together in the same class. He is a very good friend of Bob Slagle, who is a good friend of mine as well, and I want to thank him for his service to our country.

The America COMPETES Act expands support for research and development, helping the United States to remain the world's innovation leader. It creates jobs for the short-term and lays a foundation for long-term prosperity. That is its key, of course. And it is an important part of the Make It In America agenda, a series of important bills designed to help America regain its manufacturing strength.

Let me say just a word about Make It In America. We heard a lot about made in America, things that were made yesterday in America, things that we did in the past. Make It In America is about what we are going to do in the future.

Make It In America is a non-ideological, non-party, nonpartisan premise; and that premise is shared widely by the American public: that if we are going to be successful in the future and continue to grow our economy, it is going to be in part because we make it in America; we make things in America, we manufacture things in America, we grow it in America, and we sell it abroad. Our products, whether they be hard products or soft products, we sell them throughout the world.

America is the innovative center of the world, one of the enterprising nations of the world. We invent things, innovate and bring to scale. Strike that. We don't bring them to scale often enough.

Andy Grove, who was one of the cofounders of Intel, wrote an excellent article in the New Yorker. I tell my friends on the Republican side and on the Democratic side, this is an issue that can bring us together to make America better, to grow America, to provide the kinds of jobs that Americans need.

Make It In America not only means manufacturing in America, but that we make it, that we succeed, that people believe and have the confidence that there will be an American economy which will provide them with jobs and they will be able to provide for themselves and their families. This is a significant step in making sure that America makes it in America.

One of the things that Andy Grove said in his article in the New Yorker was that the problem we have is innovation, invention, enterprise exists here more than any other place in the world; but what we are doing is we are inventing, innovating and enterprising, and then we are taking it overseas to take it to scale, to manufacture it.

The Kindle, I bought a Kindle for my grandson last Christmas, about $185. About 40 to 45 of those dollars are U.S. The rest is overseas. Andy Grove's premise is if we do that, what is essentially going to happen over the years is the innovators and the ''enterprisers'' and the inventors are going to follow where we're making it, whether it's in China or any other place. America, we cannot let that happen. This bill is a critical step in ensuring America's prosperity and job creating capacity in the long term.

BART GORDON, congratulations to you. You will leave here in a few days. You will not be a Member of the Congress of the United States. You will never leave here in the sense you will always be in our hearts, and you are going to be on this floor, and we're going to see you regularly. But you will leave an extraordinary legacy for your country for decades and a century to come in this bill.

The bill establishes innovative technology and Federal loan guarantees for small and medium-sized manufacturers. Make It In America. Those loans will help American businesses respond to the needs of a changing economy, increase productivity, and keep pace with overseas competition.

Further, the COMPETES Act makes important investments in science, technology, engineering and math, as I said earlier, because helping our children excel in these fields is absolutely crucial to our economic competitiveness.

□ 1440

Finally, the bill strengthens the crucial national Science Foundation, which funds cutting-edge research in fields from computer science and mathematics to genomics. That's our future. America does it well. Let's do it here. Let's make sure that we're investing so that that will be the future as well as the present.

Federal support for research and innovation is one of the best investments we can make. Federal support helped create GPS, the computer mouse, computer-aided design, and the Internet; and there's no telling the ways in which it might shape our lives in the years to come. But, surely, there is no doubt that shape it, it will. And that's why we must invest. I urge my colleagues to boost American innovation by supporting this bill.

I end again as I started, by congratulating BART GORDON, my good friend, an individual who's given so much to his country for so long, an individual that makes us proud to be his colleague and who has given added luster to service in this House by his own service.

Mr. HALL of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, we sometimes throw the term ''friend'' around here a lot. I do thank very much the majority leader for his friendship.

I yield 1½ minutes to the cochair of the New Dems, who are our leaders in innovation policy, the gentleman from Wisconsin, Mr. RON KIND.

(Mr. KIND asked and was given permission to revise and extend his remarks.)

Mr. KIND. Madam Speaker, as one of the co-chairs of the New Democratic Coalition, I rise in strong support of the reauthorization of the America COMPETES Act and commend the chairman of the Science Committee, our good friend and colleague, Mr. GORDON, for his tenacious focus on making sure that America COMPETES gets reauthorized in this session of Congress and working with the Senate in the waning days of this session to get it done. And we're sorely going to miss his leadership on this subject, as well as the leadership of our colleague from the State of Michigan (Mr. EHLERS), who has given tremendous guidance on what it means for the United States to remain the most innovative and creative Nation in the world.

And that's what America COMPETES is all about. It's answering the question of whether or not we will remain the most innovative and on the cutting edge of scientific, medical, technological, and manufacturing discoveries and breakthroughs or whether we will continue our slide in second-rate status compared to other nations in the investments that we are seeing taking place overseas.

It builds on seminal studies by the National Academy of Sciences' ''Rising Above the Gathering Storm,'' and even before that, the John Glenn Commission, ''Before it's Too Late,'' warning us of the peril of losing our innovation and competitiveness if we continue to underinvest in those crucial STEM studies of science, technology, engineering, and math, or the investments we have to make in basic and applied research, which we accomplish in this bill through the National Science Foundation; National Institute of Science and Technology; the ARPA–E program at the Department of Energy; new programs now at NOAA and NASA; and now directing the Department of Commerce to come up after 1 year with an actionable plan of how all this comes together.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. I yield the gentleman 2 minutes.

Mr. KIND. I thank my colleague for yielding me the time.

It really speaks to the question many Americans have on their minds as we continue our slow emergence of the worse economic recession since the Great Depression, and that is where are we going as a Nation economically and how are we going to get there. America COMPETES Act is a part of that equation of not only spurring the innovation that we need in this country, but helping to make sure that we make those products in this country, along with the good-paying jobs that come from it.

Will this be the end of the innovation agenda? I think not. But it's an important step forward—one that received huge bipartisan support in the previous Congress with 357 of our colleagues supporting the original authorization of America COMPETES.

I commend former President Bush and current President Obama for recognizing the need for this type of legislation and all of the members on the Science and Education Committee that had a tremendous say in the product that's before us today. It's worthy of our support; but, more importantly, it's worthy of a great Nation and a great economy that we can build upon.

I encourage my colleagues to support the America COMPETES reauthorization and the work that we have before us.

Mr. GORDON of Tennessee. Madam Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Tennessee has 3½ minutes remaining.

Mr. GORDON of Tennessee. Madam Speaker, on many occasions I have

heard speaker NANCY PELOSI talk about the future of our Nation. And when she talks about the future of our Nation, she says there's three things we need to do: science, science, science. She believes it. She has led us in that direction.

I yield 1 minute to the Speaker of the House of Representatives, NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding and for his kind words. More especially, I thank him for his great leadership. Few people who have served in this Congress and outside the Congress have done more to promote that ''science, science, science'' agenda than BART GORDON.

Sadly, for Mr. GORDON, this will be the last bill that he will bring to the floor. I want to take the occasion to thank him for his tremendous leadership as chair of the Science and Technology Committee and for being a leader on these issues. When the report came out about the gathering storm, he was the first to say we need to not only respond to it, but he had already taken initiatives, recognizing what would be in that report, seeing what was happening to science, technology, engineering, math, and all the rest of it in our country. His departure from the Congress is a loss for us, but I know he takes with him this passion that he has for science. It is something that has served our country well in the Congress, and I know he will continue to do so outside the Congress.

So, Mr. GORDON, thank you for your tremendous leadership. I know I speak for everyone here when I say it is an honor to call you colleague, and that today would be a day, toward the end of the session, that we would be taking up your bill—this is your bill, Mr. Chairman.

On these occasions I am reminded, Madam Speaker, that nearly 50 years ago, in launching the initiative to send a man to the Moon and back safely within 10 years, President Kennedy summed up America's common commitment to innovation and competitiveness when he said, ''The vows of this Nation can be fulfilled only if we are first, and therefore we intend to be first. Our leadership in science and in industry, our hopes for peace and security, our obligations to ourselves, as well as others, all require us to make this effort.''

Since then, Americans have lived up to those words. Science and technological innovation have formed the backbone of our progress as a people and our prosperity as a Nation. And today we have the opportunity to play one more part in that same tradition to support the COMPETES Act, to reaffirm our leadership in science and technology, to keep America first.

Again, few have done more for this Congress than Chairman BART GORDON, who recognized the urgency of this challenge early on and has never stopped fighting to keep science and technology at the top of our agenda. And to the distinguished ranking member, one of the beauties of this agenda, this innovation agenda, is there's really nothing partisan about it. It isn't ideological. It's scientific. It is about keeping America number one and using the best resources technologically in our country to have us be competitive in the world economy.

In acting to update and extend the COMPETES Act, we will spur innovation, invest in cutting-edge research, modernize manufacturing, and increase opportunity. You know the provisions. Others have spoken to them. The gentleman from Wisconsin (Mr. KIND) has talked about the importance of the STEM—education, science, technology, engineering and math—and how important that is not only to the fulfillment of our students but to competitiveness internationally and the success of our economy.

With this bill, we will lay the foundation for new industries that provide good jobs for our workers; that open new markets for our American products; that offer more students, more young people, and entrepreneurs a better chance to live out the American Dream.

□ 1450

Simply put, we will continue to ''rise above the gathering storm'' and keep America number one.

The COMPETES Act is a central component of our innovation agenda, rolled out by Democrats 5 years ago to ensure our Nation's economic competitiveness around the globe and double basic research funding.

Yes, as has been mentioned, the COMPETES Act was signed by President Bush and now will be signed by President Obama; but I wish to acknowledge that it was only when we got into the Recovery Act that we were able to get the substantial funding to move forward with these initiatives. We had a little downpayment before that, but we got serious about our commitment in the Recovery Act.

As part of that effort, again, we passed the Recovery Act, investing $17 billion for basic research and $19 billion to promote the adoption of health IT. We dedicated $11 billion to improve our smart grid capabilities and provided more than $7 billion to expand broadband access nationwide. It is very important for us to do so in rural areas. Through a series of actions, the Democrat-led Congress has extended broadband to rural and underserved areas, invested in clean energy jobs and energy independence, and helped spur the development of new technologies.

The America COMPETES Act builds on that record of achievement. This bill is about good-paying jobs for American workers, strong American leadership in the global economy, an investment in America's students, and long-term prosperity for America's families and businesses.

As I have said, as was mentioned by Mr. KIND, this bill passed the first time with overwhelming bipartisan support. I think the majority of Republicans voted for the bill the first time it was put forth, and now we are reauthorizing it.

What we are doing today is about echoing President Kennedy's call once more to fulfill the vows of our Nation, to make the effort to strengthen America's future, to be first. In voting ''aye'' today, we can come together for innovation, for competitiveness, and for our prosperity. I urge all of my colleagues to support the reauthorization of the America COMPETES Act.

As I close, I once again want to salute Chairman BART GORDON for his tremendous, tremendous leadership. He has a wealth of knowledge, a depth of understanding, a boundless commitment to the future.

Thank you, Mr. Chairman.

Mr. HALL of Texas. Madam Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Madam Speaker, I rise today to urge my colleagues to support the Senate amendment to H.R. 5116, the America COMPETES Act.

Chairman BART GORDON and Congressman RALPH HALL, I commend you for bringing this legislation to the floor.

More than ever, our Nation must invest in the scientific and technological building blocks that bolster American competitiveness in a 21st century global economy. The America COMPETES Reauthorization Act of 2010 achieves this and more by fostering innovation, supporting manufacturers and industry, preparing a STEM workforce, and creating jobs. This bill takes bold steps in broadening the participation of underrepresented minorities and women in the STEM fields.

I want to recognize Representatives EDDIE BERNICE JOHNSON, BEN RAY LUJÁN, SILVESTRE REYES, the Diversity and Innovation Caucus, and other members of the Tri-Caucus for their outstanding leadership in championing diversity issues in the reauthorization of this act.

As Subcommittee chairman for Higher Education, Lifelong Learning, and Competitiveness, I am pleased that America COMPETES will more fully integrate our Nation's minority-serving institutions into research partnerships and Federal programs and promote the inclusion and success of minorities in the STEM fields. Establishing strong regional university and industry partnerships in research and innovation at the National Science Foundation will spur economic growth and connect students to high-tech jobs.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HALL of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Texas.

Mr. HINOJOSA. This bill will expand undergraduate research opportunities

for women, minorities, and persons with disabilities at the National Science Foundation. Hands-on learning experiences are key to improving the recruitment and retention of underrepresented students in the STEM fields and in preparing a new generation of scientists who will contribute to our Nation's technological innovation and competitiveness.

This bill complements our work on the Student Aid and Fiscal Responsibility Act, known as SAFRA, enacted as part of the Health Care and Education Reconciliation Act of 2010, and our efforts to improve science and math literacy in our Nation's public schools.

I strongly urge my colleagues to support the Senate amendment to H.R. 5116.

Again, I compliment our chairman, BART GORDON, for his tremendous leadership.

Mr. HALL of Texas. I yield myself the balance of my time.

Madam Speaker, I reiterate that I remain committed to the underlying goals of the America COMPETES Act, and believe that we ought to continue to prioritize investments in basic science, technology, engineering, and mathematics—STEM research and development.

These long-term investments, coupled with policies that reduce tax burdens, streamline Federal regulations, and balance the Federal budget are necessary steps for our Nation to remain competitive in the global marketplace. I hope my colleagues will join with me in seeking to do just that when the 112th Congress convenes.

In the meantime, I thank everybody involved; but for the reasons I have previously outlined, I must regretfully oppose this amendment.

I yield back the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, in closing, let me just once again thank the members and staff on a bicameral, bipartisan basis who have done so much to bring this excellent piece of legislation to the floor.

I doubt there has ever been a piece of legislation that has had as much outward support for the business community, the academic community, the scientific community. It is a good bill. It is going to help move our country forward.

Mr. GARAMENDI. Madam Speaker, I spoke on the House floor in strong support of the COMPETES Reauthorization. I wish to reinforce these comments. America is in a Global Race to innovate. COMPETES propels us forward, helping us win this race through smart investments. Improvements in science, technology, engineering, and mathematics education will result in an educated workforce, who will develop the technology of the future. A strengthening of our research capacity is inherently valuable and will pay huge dividends when this knowledge is leveraged towards technological development. COMPETES helps turn these lab bench discoveries into products that we can buy and sell on the market. By strengthening American manufacturing, COMPETES helps us to make it in America again. Improvements in R&D will grow America's economy and increase our ability to export our products around the world.

I express strong support for the COMPETES Reauthorization Act of 2010, H.R. 5116.

Mr. DINGELL. Madam Speaker, as a cosponsor of the America COMPETES Reauthorization Act, I rise today in strong support of this legislation, and I commend the United States Senate for passing this legislation before the end of 111th Congress. Today's consideration shows Congress's commitment to ensuring our children and grandchildren receive the education they need to compete in a global marketplace in the 21st Century.

While our country and our children have not lost the spirit of innovation and creativity, we have in recent years watched as our country has fallen woefully behind in educating our children. Passage of the America COMPETES Reauthorization Act will help to reverse this trend by making the strong investments necessary in research, education and manufacturing.

This bipartisan legislation reauthorizes our basic research programs, making needed increased investments in the National Science Foundation, the Department of Energy Office of Science, and the National Institute of Standards and Technology and laying the groundwork for doubling the authorized funding levels for these programs. Funding through these programs has been critical to hundreds of the faculty, staff, scientists and investigators in my district who rely on opportunities from these agencies to support their research. America COMPETES also reauthorizes the Advanced Research Projects Agency for Energy, which has made great efforts at developing the energy technology of the future.

The America COMPETES Reauthorization Act investment in research cannot be fulfilled without a renewed focus in our education system on STEM education. H.R. 5116 will coordinate STEM education across the federal government to increase and bolster effective programs, increase graduate fellowships at NSF and DOE, support research and internship opportunities for high school and undergraduate students in STEM fields, and encourage students to enter into the education system as teachers to continue to build the next generation of scientists, educators, and researchers.

And of particular importance to my district, the America COMPETES legislation will provide critically needed help to our small- and medium-sized manufacturers who have been hard hit by the financial downturn. In order to improve competitiveness and access to capital, America COMPETES will create a new program that will provide Innovative Technology Federal Loan Guarantees for these manufacturers. To help manufacturers modernize and green their manufacturing practices, this legislation directs NIST to develop sustainability metrics and practices for manufacturers. To ensure manufacturers have a well-trained workforce, this legislation directs NSF to award competitive grants to strengthen and expand scientific and technical education and training in advanced manufacturing practices. To continue the success of the Manufacturing Extension Partnership program centers, this legislation will also reduce the cost share contribution, ensuring access to invaluable assistance that increases technological capabilities, institutes green or lean manufacturing techniques, and promotes increased sales.

Madam Speaker, I believe strongly that it is our moral duty to prepare our children and grandchildren with the education and training necessary to be successful in a highly competitive, and increasingly globalized marketplace. By allowing our education system to fall behind our peers, we have slipped in this duty. The America COMPETES legislation will once again put us on the path towards a strengthened education system, and a talented and competitive workforce that will continue the high-risk, high-reward research, innovations and technology development that this country is renowned for. The America COMPETES Reauthorization Act will allow the United States to truly compete with our neighbors abroad, which is why I urge my colleagues to vote "yes".

Mr. COSTELLO. Madam Speaker, I rise today in support of H.R. 5116, the America COMPETES Reauthorization Act of 2010.

I commend Chairman GORDON for his leadership in developing this important legislation, passing it through the House, and working with our colleagues in the Senate to move the measure forward.

In 2005, the National Academy of Sciences (NAS) released its landmark report, Rising Above the Gathering Storm, which recommended Congress and the administration more heavily invest in science education, research, and technology to preserve the U.S. role as the world leader in innovation.

In response to this report, Congress passed the America COMPETES Act with bipartisan support in 2007.

In the three years since COMPETES was signed into law, we have made great strides in innovation, education, and technology.

However, a 2010 follow-up report, Rising Above the Gathering Storm, Revisited, clearly indicates the U.S. remains at risk of falling behind in developing and patenting new technology; publishing cutting edge research; training the next generation of scientists and engineers; and maintaining the most competitive workforce in the world.

H.R. 5116 builds upon the accomplishments of the 2007 America COMPETES in a fiscally responsible manner.

The bill reauthorizes ongoing federal research and development programs for three years at a lower authorization level than what the House passed in May, creates opportunities for innovation in the private sector through programs like ARPA–E, and trains the most innovative, competitive workforce in the world.

In addition, I am pleased the bill contains important investments in two STEM education programs.

First, the bill invests in community colleges and other two-year institutions of higher education by building connections between community colleges and Manufacturing Extension Partnerships, other institutions of higher education, research institutions, and regional innovation hubs. These investments will ensure that students have the job training necessary to secure good-paying jobs in their communities and manufacturers have a workforce with the right skill set to promote innovation.

Second, the bill ensures the U.S. Department of Energy (DOE) STEM education programs mirror the important research being conducted by the agency on carbon capture

and sequestration (CCS) technology, the future of coal-powered energy; which is the nation's most abundant and affordable energy source and a vital part of Illinois' economy. Including CCS in DOE's STEM education programming will ensure that we continue to expand deployment of this important technology and train a new generation of CCS scientists.

I urge my colleagues to support the Senate Amendment to H.R. 5116.

Mr. HONDA. Madam Speaker, I regret that illness prevents me from casting my vote in favor of H.R. 5116 today, but I would like to express my strong support for H.R 5116, America COMPETES Reauthorization Act of 2010, for the record.

I commend Chairman BART GORDON and the other members of the Science and Technology Committee, on which I am proud to have once served, for the hard work and thoughtful consideration that went into this bill.

The America COMPETES Act of 2007 significantly bolstered American innovation, the most fundamental hope for sustainable economic growth and competitiveness in the United States and a critical driver of the economy in my Silicon Valley district. It helped drive new research and its commercialization, encouraged the creation of a more dynamic business environment, and made improvements to science, technology, engineering and math (STEM) education that are important for our nation's long term economic health.

It is critical that we sustain proper support for scientific research and STEM education, or our ability to compete in the global economy will be put in jeopardy. As the Business Roundtable noted in its Roadmap for Growth, a new report released last week, investing in scientific research and math and science education will create sustained, long-term economic competiveness and growth. That is why I am proud to support H.R. 5116, which authorizes those much needed investments.

Although the Senate's amendment to H.R. 5116 is a significantly trimmed down version of the House bill, it maintains the key principles of investment and innovation, ensuring America remains competitive in the 21st century global economy.

I am pleased that the bill includes provisions to ensure coordination of federal STEM education activities by elevating an existing committee under the National Science and Technology (NSTC). Providing this coordinating mechanism for the federal STEM education programs is long overdue.

According to the Academic Competitiveness Council's (ACC) report, in 2006 the U.S. sponsored 105 STEM education programs at more than a dozen different federal agencies. These programs devoted approximately $3.12 billion to STEM education activities spanning prekindergarten through postgraduate education and outreach. The report notes that many of these agencies do not share information or work collaboratively on similar programs, demonstrating a need for better coordination.

The STEM education coordination provisions of this bill are similar to those included in my own bill, the Enhancing Science, Technology, Engineering, and Mathematics Education (E–STEM) Act, H.R. 2710. Both bills seek to ensure that the various agencies involved in STEM education efforts are aware of what is being done and what has already been done elsewhere so agencies can strategically invest in programs and activities.

Again, I congratulate the Science and Technology Committee and Chairman GORDON for their work on this bill. I urge my colleagues to support this important legislation to ensure that our nation leads the world in innovation and science and technology.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the America COMPETES Reauthorization Act.

As the United States faces increasing competition in the global economy, we will only maintain our advantage by fostering our ability to innovate. America COMPETES makes the investments necessary to ensure that we remain at the cutting edge of research and development.

The America COMPETES Reauthorization Act is a comprehensive approach to invest in education, research, and small business to grow America's innovation economy. By providing resources for basic research, facilitating the use of new technologies by American manufacturers, and training a new generation of science, technology, math, and engineering (STEM) workers, we can create good, sustainable jobs at home and ensure that the United States remains competitive.

The America COMPETES Reauthorization Act creates a path to double basic research funding at NSF, NIST, and DOE's Office of Science over the next ten years. It supports important programs to expand American energy technology and fosters regional innovation clusters and research parks for economic development across the country. And it coordinates STEM education activities across the Federal Government so we can focus resources on our most effective programs.

Madam Speaker, every dollar that we invest in science and technology pays dividends in economic growth and ensures that the United States remains at the forefront of discovery. I thank Chairman GORDON for his work on this issue and urge my colleagues to vote to pass this bill.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1781, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 3481. An act to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

APPOINTMENT—NATIONAL COMMITTEE ON VITAL AND HEALTH STATISTICS

The SPEAKER pro tempore (Ms. BALDWIN). Pursuant to section 306(k) of the Public Health Service Act (42 U.S.C. 242k), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member to the National Committee on Vital and Health Statistics for a term of 4 years:

Dr. Vickie M. Mays, Los Angeles, California.

APPOINTMENTS—COMMISSION ON KEY NATIONAL INDICATORS

The SPEAKER pro tempore. Pursuant to section 5605 of the Patient Protection and Affordable Care Act (P.L. 111–148), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following members to the Commission on Key National Indicators:

Dr. Stephen Heintz, New York, New York,

and in addition,

Dr. Marta Tienda, Princeton, New Jersey.

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PERMISSION TO POSTPONE FURTHER PROCEEDINGS ON CERTAIN MEASURES

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that the Speaker may postpone further proceedings on the following measures as though under clause 8(a)(1)(A) of rule XX: motion to concur in Senate amendment to H.R. 2142, and motion to concur in Senate amendments to H.R. 2751.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GPRA MODERNIZATION ACT OF 2010

Mr. CUELLAR. Madam Speaker, pursuant to House Resolution 1781, I call up the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''GPRA Modernization Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. STRATEGIC PLANNING AMENDMENTS.

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

''§ 306. Agency strategic plans

''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

''(1) a comprehensive mission statement covering the major functions and operations of the agency;

''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

''(4) a description of how the goals and objectives are to be achieved, including—

''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.

SEC. 3. PERFORMANCE PLANNING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

''§ 1115. Federal Government and agency performance plans

''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

''(A) overall progress toward each Federal Government performance goal; and

''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

''(5) establish clearly defined quarterly milestones; and

''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

''(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

''(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

''(3) describe how the performance goals contribute to—

''(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

''(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

''(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

''(5) provide a description of how the performance goals are to be achieved, including—

''(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

''(B) clearly defined milestones;

''(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

''(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

''(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

''(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

''(7) provide a basis for comparing actual program results with the established performance goals;

''(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means to be used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

''(9) describe major management challenges the agency faces and identify—

''(A) planned actions to address such challenges;

''(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

''(C) the agency official responsible for resolving such challenges; and

''(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

''(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

''(1) include separate descriptive statements of—

''(A)(i) a minimally effective program; and

''(ii) a successful program; or

''(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

''(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

''(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

''(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

''(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

''(2) is properly classified pursuant to such Executive order.

''(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

''(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

''(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

''(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

''(2) 'crosscutting' means across organizational (such as agency) boundaries;

''(3) 'customer service measure' means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

''(4) 'efficiency measure' means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

''(5) 'major management challenge' means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

''(6) 'milestone' means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

''(7) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

''(8) 'output measure' means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

''(9) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

''(10) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

''(11) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

''(12) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.''.

SEC. 4. PERFORMANCE REPORTING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

''§ 1116. Agency performance reporting

''(a) The head of each agency shall make available on a public website of the agency and to the Office of Management and Budget an update on agency performance.

''(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year, with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

''(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

''(c) Each update shall—

''(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

''(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

''(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

''(A) why the goal was not met;

''(B) those plans and schedules for achieving the established performance goal; and

''(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

''(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

''(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

''(7) include the summary findings of those program evaluations completed during the period covered by the update.

''(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.

''(f) Each fiscal year, the Office of Management and Budget shall determine whether the agency programs or activities meet performance goals and objectives outlined in the agency performance plans and submit a report on unmet goals to—

''(1) the head of the agency;

''(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

''(4) the Government Accountability Office.

''(g) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 1 fiscal year, the head of the agency shall submit a performance improvement plan to the Office of Management and Budget to increase program effectiveness for each unmet goal with measurable milestones. The agency shall designate a senior official who shall oversee the performance improvement strategies for each unmet goal.

''(h)(1) If the Office of Management and Budget determines that agency programs or activities have unmet performance goals for 2 consecutive fiscal years, the head of the agency shall—

''(A) submit to Congress a description of the actions the Administration will take to improve performance, including proposed statutory changes or planned executive actions; and

''(B) describe any additional funding the agency will obligate to achieve the goal, if such an action is determined appropriate in consultation with the Director of the Office of Management and Budget, for an amount determined appropriate by the Director.

''(2) In providing additional funding described under paragraph (1)(B), the head of the agency shall use any reprogramming or transfer authority available to the agency. If after exercising such authority additional funding is necessary to achieve the level determined appropriate by the Director of the Office of Management and Budget, the head of the agency shall submit a request to Congress for additional reprogramming or transfer authority.

''(i) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 3 consecutive fiscal years, the Director of the Office of Management and Budget shall submit recommendations to Congress on actions to improve performance not later than 60 days after that determination, including—

''(1) reauthorization proposals for each program or activity that has not met performance goals;

''(2) proposed statutory changes necessary for the program activities to achieve the proposed level of performance on each performance goal; and

''(3) planned executive actions or identification of the program for termination or reduction in the President's budget.''.

SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

''§ 1120. Federal Government and agency priority goals

''(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

''(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

''(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

''(B) goals for management improvements needed across the Federal Government, including—

''(i) financial management;

''(ii) human capital management;

''(iii) information technology management;

''(iv) procurement and acquisition management; and

''(v) real property management;

''(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant

changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

''(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

''(A) the Committees on Appropriations of the Senate and the House of Representatives;

''(B) the Committees on the Budget of the Senate and the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Government Reform of the House of Representatives;

''(E) the Committee on Finance of the Senate;

''(F) the Committee on Ways and Means of the House of Representatives; and

''(G) any other committees as determined appropriate;

''(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

''(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

''(6) The Federal Government performance plan required under section 1115(a) of this title shall be consistent with the Federal Government priority goals.

''(b) AGENCY PRIORITY GOALS.—

''(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

''(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

''(B) have ambitious targets that can be achieved within a 2-year period;

''(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

''(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

''(E) have clearly defined quarterly milestones.

''(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.''.

SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

''§ 1121. Quarterly priority progress reviews and use of performance information

''(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

''(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

''(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

''(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

''(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

''(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

''(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

''(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

''(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

''(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.''.

SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

''§ 1122. Transparency of programs, priority goals, and results

''(a) TRANSPARENCY OF AGENCY PROGRAMS.—

''(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

''(A) ensure the effective operation of a single website;

''(B) at a minimum, update the website on a quarterly basis; and

''(C) include on the website information about each program identified by the agencies.

''(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

''(A) an identification of how the agency defines the term 'program', consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

''(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

''(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

''(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

''(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

''(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

''(3) a description of how each agency priority goal will be achieved, including—

''(A) the strategies and resources required to meet the priority goal;

''(B) clearly defined milestones;

''(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

''(D) how the agency is working with other agencies to achieve the goal; and

''(E) an identification of the agency official responsible for achieving the priority goal;

''(4) the performance indicators to be used in measuring or assessing progress;

''(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

''(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

''(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

''(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

''(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

''(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

''(4) an identification of the lead Government official for each Federal Government performance goal;

''(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that

contribute to each Federal Government priority goal;

''(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

''(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.''.

SEC. 8. AGENCY CHIEF OPERATING OFFICERS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

''§ 1123. Chief Operating Officers

''(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

''(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

''(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

''(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

''(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.''.

SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

''§ 1124. Performance Improvement Officers and the Performance Improvement Council

''(a) PERFORMANCE IMPROVEMENT OFFICERS.—

''(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

''(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

''(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

''(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

''(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

''(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

''(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

''(b) PERFORMANCE IMPROVEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

''(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

''(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

''(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

''(D) other individuals as determined appropriate by the chairperson.

''(2) FUNCTION.—The Performance Improvement Council shall—

''(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

''(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

''(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

''(D) work to resolve specific Governmentwide or crosscutting performance issues, as necessary;

''(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

''(F) coordinate with other interagency management councils;

''(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

''(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

''(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

''(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

''(3) SUPPORT.—

''(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

''(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.''.

SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

''(37) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.''.

(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

''§ 1125. Elimination of unnecessary agency reporting

''(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

''(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

''(2) analyze the list compiled under paragraph (1), identify which plans and reports are

outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

''(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

''(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

''(b) PLANS AND REPORTS.—

''(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

''(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

''(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.''.

SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

''306. Agency strategic plans.''.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

''1115. Federal Government and agency performance plans.
''1116. Agency performance reporting.''.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''1120. Federal Government and agency priority goals.
''1121. Quarterly priority progress reviews and use of performance information.
''1122. Transparency of programs, priority goals, and results.
''1123. Chief Operating Officers.
''1124. Performance Improvement Officers and the Performance Improvement Council.
''1125. Elimination of unnecessary agency reporting.''.

SEC. 14. IMPLEMENTATION OF THIS ACT.

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) REQUIREMENTS.—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. CUELLAR moves that the House concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 1781, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Texas (Mr. CUELLAR) and the gentleman from California (Mr. ISSA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act, will do just what the title of the bill says. This bill will make the Federal Government more effective, more efficient, and improve the performance of Federal agencies.

This bill is a sweeping move to increase transparency and accountability by requiring Federal agencies to establish performance goals that can be measured and reported to Congress and to taxpayers. No one can afford to waste money, especially not the government and especially not now. It's time that we put a new system in place to review the results of each Federal program and evaluate its effectiveness.

The message is simple: Better information yields better decisions. This legislation will help Congress invest in what works, fix what doesn't, and eliminate wasteful overlap. This will make our Federal Government more results-oriented.

This is a commonsense bill that received wide bipartisan support. The

Committee on Oversight and Government Reform approved H.R. 2142 by voice vote on May 20, 2010. The House passed the bill by voice vote on June 16, 2010, and the Senate amended the bill and passed it by unanimous consent on December 16, 2010.

H.R. 2142 modernizes the Government Performance and Results Act of 1993. We have learned a lot in the past 17 years. It is time to apply these lessons so that agencies and Congress have the information needed to make good decisions. H.R. 2142 improves the 1993 law by requiring agencies to identify ambitious goals and to perform frequent performance reviews. With this bill, we can hold agencies more accountable by requiring them to consider input from Congress and members of the public when developing program goals. The public can now have input for the first time. Just imagine that. The general public will have a say-so in developing Federal agency goals.

Some changes were made to the bill during consideration by the Senate, and I support those changes, which I believe will enhance and strengthen the bill. Under the Senate amendment, OMB is required to develop a Federal Government performance plan that addresses program efforts across agencies. OMB is also required to work with agencies to develop Federal program priority goals that cut across different agencies and measure progress toward meeting those goals. This will help agencies avoid duplicating efforts and become more efficient. Duplication and overlap at a time when so many Americans are struggling to make ends meet isn't just a waste of resources; it's shameful. The Senate amendment also establishes the position of chief operating officer in the 24 biggest agencies.

Key provisions for the bill approved in the House are still intact, such as the establishment of performance improvement officers at each agency and the establishment of the performance improvement council. These provisions codify an Executive order issued by President George W. Bush.

Also, as in the House-passed bill, OMB and agencies are required to improve the transparency of performance reviews by making the results available online.

Senator COBURN added an amendment making changes to the bill that requires for increasingly stringent requirements for agencies that do not meet performance goals, which can ultimately end up, for a nonperforming agency or program, with budget reduction or even elimination.

The Congressional Budget Office estimates that implementation of the bill, as amended by the Senate, will cost about $15 million a year. This bill does not have any mandatory spending requirements, and it does not violate PAYGO. Also, CBO, as you know, does not estimate the cost savings that would have been generated by this bill. Agencies will save money by identifying wasteful practices. Consolidating and eliminating unnecessary reporting will also save taxpayers' dollars.

H.R. 2142 will make the government more cost effective because it would require agencies to evaluate their performance. This will allow agencies to identify waste and inefficiencies and change what isn't working. This is what successful corporations in the private sector do regularly, and this is what the government should do also.

President Bush's top performance management official wrote in a letter supporting this legislation in a bipartisan way, ''I led performance improvement efforts during my tenure in the George W. Bush administration. Additionally, while a Republican staff member in the legislative branch, I oversaw agency efforts to measure and improve their performance. The provisions of this bill would have greatly enhanced these efforts had they been in place at the time.''

This is a timely, commonsense bill, and I urge all Members to join me in a bipartisan way in supporting this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I would ask the majority if they would provide us with that letter so we could review when it was written and be more educated.

Mr. CUELLAR. If the gentleman would yield, I would be happy to do that.

Mr. ISSA. I thank you.

Madam Speaker, Feliz Navidad, Merry Christmas, but today is Ground Hog Day. I know it is because we're getting the same bill we got last week. It looks the same. Matter of fact, it's so much the same that I recognized it from an earlier document, the President's budget. In his package on performance and management, the President had already determined to do pretty much what we're putting here.

Matter of fact, we're codifying in statute, plus throwing in $75 million of additional cost, what the President already was doing. We're not giving him anything that he doesn't already have authority for and is doing. Really what we're doing is simply allowing the President to say it's okay for me to spend $75 million more on what I already wanted to do; it's okay because I'm under this mandate of Congress. It's okay for this Congress to go sine die really talking about things they were accomplishing when this doesn't accomplish anything.

I will be voting against this because I don't want to spend $75 million doing what the President already put in his own document.

Madam Speaker, I would ask that this excerpt from the President's performance and management review to be placed in the RECORD.

7. DELIVERING HIGH-PERFORMANCE GOVERNMENT

For too long, Washington has not responsibly managed the tax dollars entrusted it by the American people. Decision-makers opened their doors and ears to those able to afford lobbyists while it became harder and harder for everyone else to learn what Government was doing, what it was accomplishing, and for whom. Programs and practices were allowed to persist out of inertia and not because they were delivering the results expected of them, while others that seemed to work were rarely assessed to confirm their impact and find ways to enhance their value. Over the last two decades, as the private sector was utilizing new management techniques and information technologies to boost productivity, cut costs, and deliver previously unheard of levels of customer service, the public sector lagged conspicuously behind.

The American people deserve better. They deserve a Federal Government that respects their tax dollars, and uses them effectively and efficiently. They deserve a Federal Government that is transparent, fair, and responsive. And they deserve a Government that is constantly looking to streamline what works and to eliminate what does not. The Administration is committed to revolutionizing how the Federal Government runs on behalf of the American people. The President appointed the Nation's first Chief Performance Officer, and the Administration has taken steps to bring more transparency to, for instance, how Federal information technology (IT) dollars are spent to improve customer service for those using citizenship services. At the same time, the Administration has combed the Budget to find programs that are duplicative, outdated, or just not working.

To improve the performance of the Federal Government in the coming fiscal year and in years to come, the Administration will pursue three mutually reinforcing performance management strategies:

1. Use Performance Information to Lead, Learn, and Improve Outcomes. Agency leaders set a few high-priority goals and use constructive data-based reviews to keep their organizations on track to deliver on these objectives.

2. Communicate Performance Coherently and Concisely for Better Results and Transparency. The Federal Government will candidly communicate to the public the priorities, problems, and progress of Government programs, explaining the reasons behind past trends, the impact of past actions, and future plans. In addition, agencies will strengthen their capacity to learn from experience and experiments.

3. Strengthen Problem-Solving Networks. The Federal Government will tap into and encourage practitioner communities, inside and outside Government, to work together to improve outcomes and performance management practices.

USE PERFORMANCE INFORMATION TO LEAD, LEARN, AND IMPROVE OUTCOMES

Government operates more effectively when it focuses on outcomes, when leaders set clear and measurable goals, and when agencies use measurement to reinforce priorities, motivate action, and illuminate a path to improvement. This outcome-focused performance management approach has proved a powerful way to achieve large performance gains in other countries, several States, an increasing number of local governments, and a growing number of Federal programs. For instance, the State of Washington pushed down the re-victimization rate of children harmed in their homes from 13.3 percent to 6.5 percent over the last seven years by monitoring how changes in agency action affected children previously harmed and by adjusting policies accordingly to make improvements for the children.

New York City and, subsequently, the City of Los Angeles saw crime rates plummet

after each adopted CompStat meetings. These are frequently scheduled, goal-focused, data-driven meetings at which precinct captains are expected to discuss statistics about outcomes (e.g., crime), cost drivers (e.g., overtime), unwanted side effects (e.g., police abuse complaints), patterns of problems in the precinct, probable causes, apparent effects of prior actions, and future actions planned. Similarly, the U.S. Coast Guard's Marine and Marine Environmental Protection programs work to reduce maritime deaths and injuries, large oil spills, and chemical discharge incidents by regularly analyzing their data to identify contributory causes and by testing different prevention options to identify and then implement those that work best.

Outcome-focused performance management can transform the way government works, but its success is by no means assured. The ultimate test of an effective performance management system is whether it is used, not the number of goals and measures produced. Federal performance management efforts have not fared well on this test. The Government Performance and Results Act of 1993 (GPRA) and the Performance Assessment Rating Tool (PART) reviews increased the production of measurements in many agencies, resulting in the availability of better measures than previously existed; however, these initial successes have not lead to increased use. With a few exceptions, Congress does not use the performance goals and measures agencies produce to conduct oversight, agencies do not use them to evaluate effectiveness or drive improvements, and they have not provided meaningful information for the public.

Studies of past Federal performance management efforts have identified several problematic practices. For example, senior leaders at Federal agencies have historically focused far more attention on new policy development than on managing to improve outcomes. Mechanisms used to motivate change created serious unwanted side effects or linked to the wrong objectives. Central office reviews mandated measurements inappropriate to the situation, and performance reports seldom answered the questions of key audiences. Moreover, the annual reporting requirement of GPRA and the five-year program PART review cycle did not provide agencies the fast feedback needed to assess if delivery efforts were on track or to diagnose why they were or were not. Neither GPRA nor PART precluded more frequent measurement to inform agency action, but only a few agencies opted to supplement their annual measurement cycle with the kinds of data and analysis that fueled the private sector performance revolution.

The Administration is initiating several new performance management actions and is tasking a new generation of performance leaders to implement successful performance management practices.

To encourage senior leaders to deliver results against the most important priorities, the Administration launched the High-Priority Performance Goal initiative in June 2009, asking agency heads to identify and commit to a limited number of priority goals, generally three to eight, with high value to the public. The goals must have ambitious, but realistic, targets to achieve within 18 to 24 months without need for new resources or legislation, and well-defined, outcomes-based measures of progress. These goals are included in this Budget. Some notable examples are:

Assist 3 million homeowners who are at risk of losing their homes due to foreclosure (Secretaries Donovan and Geithner);

Reduce the population of homeless veterans to 59,000 in June, 2012 (Secretaries Donovan and Shinseki); and

Double renewable energy generating capacity (excluding conventional hydropower) by 2012 (Secretary Chu).

In the coming year, the Administration will ask agency leaders to carry out a similar priority-setting exercise with top managers of their bureaus to set bureau-level goals and align those goals, as appropriate, with agency-wide priority goals. These efforts are not distinct from the goal-setting and measurement expectations set forth in the GPRA, but rather reflect an intention to translate GPRA from a reporting exercise to a performance-improving practice across the Federal Government. By making agencies' top leaders responsible for specific goals that they themselves have named as most important, the Administration is dramatically improving accountability and the chances that Government will deliver results on what matters most.

Agency leaders will put in place rigorous, constructive quarterly feedback and review sessions to help agencies reach their targets, building on lessons from successful public sector performance management models in other governments and in some Federal agencies. In addition, the Office of Management and Budget (OMB) will initiate quarterly performance updates to help senior Federal Government leaders stay focused on driving to results.

OMB will support the agencies with tools and assistance to help them succeed. In addition, OMB will help coordinate inter-agency efforts in select situations where collaboration is critical to success.

COMMUNICATE PERFORMANCE COHERENTLY AND CONCISELY FOR BETTER RESULTS AND TRANSPARENCY

Transparent, coherent performance information contributes to more effective, efficient, fair, and responsive government. Transparency not only promotes public understanding about the actions that government is working to accomplish, but also supports learning across government agencies, stimulates idea flow, enlists assistance, and motivates performance gain. In addition, transparency can strengthen public confidence in government, especially when government does more than simply herald its successes but also provides candid assessments of problems encountered, their likely causes, and actions being taken to address problems.

The Administration is initiating several new performance communication actions. First, the Administration will identify and eliminate performance measurements and documents that are not useful. Second, what remains will be used. Goals contained in plans and budgets will communicate concisely and coherently what government is trying to accomplish. Agency, cross-agency, and program measures, including those developed under GPRA and PART that proved useful to agencies, the public, and OMB, will candidly convey how well the Government is accomplishing the goals. Combined performance plans and reports will explain why goals were chosen, the size and characteristics of problems Government is tackling, factors affecting outcomes that Government hopes to influence, lessons learned from experience, and future actions planned.

Going forward, agencies will take greater ownership in communicating performance plans and results to key audiences to inform their decisions. Making performance data useful to all audiences—congressional, public, and agency leaders—improves both program performance and reporting accuracy.

To that end, the Administration will redesign public access to Federal performance information.

The Administration will create a Federal performance portal that provides a clear, concise picture of Federal goals and measures by theme, by agency, by program, and by program type. It will be designed to increase transparency and coherence for the public, motivate improvements, support collaboration, and enhance the ability of the Federal Government and its service delivery partners to learn from others' experiences and from research experiments. The performance portal will also provide easy links to mission-support management dashboards, such as the IT dashboard (http://it.usaspending.gov/) launched in the summer of 2009, and similar dashboards planned for other common Government functions including procurement, improper payments, and hiring.

While performance information is critical to improving Government effectiveness and efficiency, it can answer only so many questions. More sophisticated evaluation methods are required to answer fundamental questions about the social, economic, or environmental impact of programs and practices, isolating the effect of Government action from other possible influencing factors. OMB recently launched an Evaluation Initiative to promote rigorous impact evaluations, build agency evaluation capacity, and improve transparency of evaluation findings. These evaluations are a powerful complement to agency performance improvement efforts and often benefit from the availability of performance data. OMB will make information about all Federal evaluations focused on the impacts of programs and program practices available online through the performance portal. The Evaluation Initiative is explained in more detail in Chapter 8, ''Program Evaluation,'' in this volume.

STRENGTHEN PROBLEM-SOLVING NETWORKS

The third strategy the Administration will pursue to improve performance management involves the extensive use of existing and new practitioner networks. Federal agencies do not work in isolation to improve outcomes. Every Federal agency and employee depends on and is supported by others—other Federal offices, other levels of government, for-profit and not-for-profit organizations, and individuals with expertise or a passion about specific problems. New information technologies are transforming our ability to tap vast reservoirs of capacity beyond the office. At the same time, low-technology networks such as professional associations and communities of practice are also able to solve problems, spur innovation, and diffuse knowledge. The Administration will create cross-agency teams to tackle shared problems and reach out to existing networks, both inside and outside Government, to find and develop smarter performance management methods and to assist others in their application. It will tap their intelligence, ingenuity, and commitment, as well as their dissemination and delivery capacity.

The Performance Improvement Council (PIC), made up of Performance Improvement Officers from every Federal agency, will function as the hub of the performance management network. OMB will work with the PIC to create and advance a new set of Federal performance management principles, refine a Government-wide performance management implementation plan, and identify and tackle specific problems as they arise. The PIC will also serve as a home for Federal communities of practice, some new and some old. Some communities of practice will be organized by problems, some by program type such as regulatory programs, and some by methods such as quality management. These communities will develop tools and provide expert advice and assistance to their Federal colleagues. In addition, the PIC will address the governance challenge of advancing progress on high-priority problems that

require action by multiple agencies. The Administration will also turn to existing external networks—including State and local government associations, schools of public policy and management, think tanks, and professional associations—to enlist their assistance on specific problems and in spreading effective performance management practices.

Mr. CUELLAR did a good job last week in the first of these two appearances on the same bill. He said it was something he really wanted to pass. He said it was his bill. I don't think the fact that it is amended would make it less his bill, but it isn't his bill really. It's written by the administration, codified by the Senate, and sent over to us in the 11th hour when, in fact, it could, in the next Congress, actually go through a review process to see if we could actually mandate something more than what the President's doing, if we should mandate what the President is already doing, or, quite frankly, if we should tie the hands of the next President by simply codifying the elective actions of this President.

□ 1510

Now, there was a letter that came purportedly, and I am sure it did, from somebody in the Bush administration. And I will be interested to see when it was written because this President has systematically chosen to make changes in how the last President did performance. I am not going to say that President Bush was the best or that what President Obama is doing is different; but there are differences, and these differences are the elective right of the President to try to do these.

So with all due respect, Madam Speaker, I will still be voting ''no'' on this second Groundhog Day on this bill. I will still believe that if we had had a chance in the next Congress we could have done better and would have done better.

With that, I reserve the balance of my time.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the House amendment to the Senate amendment with an amendment:

H.R. 3082. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

GPRA MODERNIZATION ACT OF 2010—Continued

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. CUELLAR. Madam Speaker, again, I want to thank the ranking member. The letter was written by Robert Shea who worked with President Bush. It was written in June of this year. Mr. Shea still supports the bill as it has been passed by the Senate.

Again, when the bill first passed here, this was a bill that did get some changes. I believe the major change that the gentleman is referring to is a provision that he authored that would have required agencies to evaluate performance goals twice a year. Those provisions added significantly to the cost of the bill. And when this bill first passed the House, it had a $150 million cost. By taking those provisions, it was reduced down to $75 million, which is $15 million a year.

This is a bipartisan bill that updates the 1993 legislation. The original cosponsors include myself, several other Members, including Congressman PLATTS and Congressman MCCAUL. And in the Senate, Senate supporters that we have are VOINOVICH; COLLINS; WARNER, who took the lead on this, AKAKA, Senator LIEBERMAN, and basically Senator COBURN who had an amendment. So this is a bipartisan bill. It will not add a single penny to the deficit. In fact, it will save taxpayers' dollars. I urge support of it.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I ask unanimous consent that we now suspend these and go to the bill that has been received from the Senate. Obviously, the American people are desperately waiting to see us fund a government that is going without money as of midnight tonight and respectfully say that it is appropriate to take up the business of the funding of this government at this time.

The SPEAKER pro tempore. The Chair would entertain such a request only if the gentleman from Texas yields for that purpose.

Mr. ISSA. Will the gentleman from Texas yield for the important work of the American people?

Mr. CUELLAR. I certainly yield.

Mr. ISSA. I hereby make the motion that we do suspend the proceedings and go to——

Mr. CUELLAR. But I do object.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair did not hear the response of the gentleman from Texas.

Mr. CUELLAR. The gentleman objects.

The SPEAKER pro tempore. Objection is heard.

The Chair recognizes the gentleman from California to reclaim his time.

Mr. ISSA. Madam Speaker, point of order.

The SPEAKER pro tempore. The gentleman will state his point his order.

Mr. ISSA. I believe that the gentleman from Texas yielded time upon your request that you would only consider my request to move to the business of appropriating for this current fiscal year. That motion is still there. He yielded. I would like that motion to be heard that we suspend this and move to the business of appropriations for this fiscal year.

The SPEAKER pro tempore. The Chair heard objection to the unanimous consent request from the gentleman from Texas.

Mr. ISSA. I hereby move—not unanimous consent—that we do so. I make a motion that we suspend and that we move to the business of the American people's funding for this fiscal year.

The SPEAKER pro tempore. The Chair advises the gentleman that such a motion is not admissible.

The Chair continues to recognizes the gentleman from California for purposes of debate on the pending motion to concur.

Mr. ISSA. I thank the Speaker.

Madam Speaker, when Robert Johnson Shea recommended this bill before us, it wasn't this bill before us. This is a completely different bill, dramatically changed. So I believe that when people who will come and vote on this consider this, they should discount completely a recommendation from a Bush administration official that speaks to a bill that Mr. CUELLAR authored which bears very little resemblance to this one.

As I said earlier, this bill today simply puts into statute what the President is already on an elective basis doing, ties the hands of a future President without providing any new authority for the President to do a better job.

With that, I reserve the balance of my time.

Mr. CUELLAR. Madam Speaker, Mr. Shea, a Bush appointee, supports this bill even as it has passed the Senate. Again, this is a bipartisan bill supported by both Democrats and Republicans. I ask support of this bill.

I reserve the balance of my time.

Mr. ISSA. Madam Speaker, I think all was said that needed to be said in the 15 minutes a side last week. The only thing that can yet be said in my closing is we are better than this, Madam Speaker. We should not accept something on a closed rule without any possibility of amendment when in fact the Senate took what we had passed, completely amended it, and sent it back completely different.

Madam Speaker, I know that process is not something that is often talked about on this floor as though it is important. But, Madam Speaker, in the next Congress it is clear that process is important, that debate and deliberation is important, that we not simply take what the Senate takes, allow them to change it completely, send it back to us bearing no resemblance, and not have a conference.

If this bill is so important, as Mr. CUELLAR says, that it be passed in a lame duck session, then Madam Speaker, isn't it so important that it should have gone through a conference process or at least that the Senate or House leaders would have come to the committee of jurisdiction and at least asked us what needed to be changed in order to get our support? They didn't have that support.

Like any bill, you will pick off a few Texans for a Texan's bill, or you will pick off a few Members, that doesn't make it bipartisan. It certainly wasn't

bicameral when, in fact, Mr. CUELLAR's bill was rewritten in the Senate; written by the White House, as far as I can tell, to look more like his budget process procedures that he printed back in February; sent back to us so that we could make in statute what the President chooses to do.

Madam Speaker, we are better than that. In the next Congress, I certainly believe that if the House and the Senate have differences of opinions, it is appropriate that it be worked out through a process of conference and not simply take what the Senate sends in a closed rule without anything but meaningless debate. And, Madam Speaker, debate without the opportunity to change one line is simply talking about a foregone conclusion that last Friday the votes were counted.

With that, Madam Speaker, I yield back the balance of my time hopefully for this lame duck session.

Mr. CUELLAR. Madam Speaker, I thank the gentleman for being brief. I appreciate his consideration.

I wrote my dissertation on performance-based budgets in a comparative study of 50 States. I added about 99 percent of all the performance-based budgeting in Texas right before President Bush was the Governor there.

I know this legislation, and this legislation is probably the largest change we have had since 1993. Members, this is a bipartisan bill supported by both Democrats and Republicans in the House and the Senate. So, Madam Speaker, again, I urge all Members to support H.R. 2142.

Mr. PLATTS. Madam Speaker, I rise in support of this Senate-House compromise legislation, which takes important steps to eliminate Federal Government waste. For 4 years I served as the Chairman of the Oversight and Government Reform Subcommittee on Government Management, Finance, and Accountability, where I focused my efforts on making the Federal Government more accountable. My Subcommittee held numerous hearings in which, all too often, accounting errors such as overpayment for services or redundant payments were discovered or where programs were not effectively fulfilling their intended mission.

At a time when the national debt is nearly $14 trillion, it has never been more apparent that the Federal Government must spend taxpayer dollars wisely. Federal programs must be monitored to ensure that our investments are presenting clear results and those programs that are not performing effectively must be reformed or eliminated. One of the reasons that we find ourselves in such substantial debt today is that Federal programs never end. Both high-performing and low-performing programs continue on, year after year, often with increasing funds. The Federal Government needs a clear evaluation process for each program, the results of which would be used to provide legislators with the information they need to determine which programs should continue on and which should not.

The legislation we are considering today, similar to legislation that I introduced in the 108th Congress, H.R. 3826, and the 109th Congress, H.R. 185, would require that all Federal agencies work with the Office of Management and Budget, OMB, to clearly identify outcome-based goals and then submit an action plan to achieve these goals. Agencies would be required to conduct quarterly performance assessments outlining how effectively they are working to meet the stated goals, and all information would be made available to Congress and the American people.

In addition, the Government Accountability Office, GAO, would be tasked with performing frequent and detailed evaluations outlining how effective the agency has been in achieving their stated goals. This impartial review of Federal programs will assure that agencies are being good stewards of our Federal taxpayer dollars.

I commend Representative CUELLAR for introducing this bill to ensure that Federal resources are spent efficiently and waste is minimized. Now more than ever, while American families are cutting extraneous expenses from their budgets, the Federal Government must do the same. I hope that all of my colleagues will join with me in supporting this important effort.

Mr. TOWNS. Madam Speaker, I rise in support of H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act. I applaud Representative CUELLAR for his Herculean efforts in getting this bill through the process.

This is a common sense bill that will improve the performance of the Federal Government. This bill was approved by the Committee on Oversight and Government Reform by voice vote on May 20, 2010. The House passed the bill by voice vote on June 16, 2010. The Senate amended the bill and passed it by unanimous consent on December 16, 2010.

H.R. 2142 modernizes and strengthens the Government Performance and Results Act of 1993. This bill requires the Office of Management and Budget to develop governmentwide priority goals that cut across agency programs. This will help agencies work together to reduce duplication and improve efficiencies.

This bill requires each agency to identify performance goals and to perform frequent performance reviews. This will provide agencies and Congress with the information needed to make responsible decisions regarding priorities and resources. The Senate amendments to the bill will improve the transparency of the performance management process by establishing a single website that will allow Congress and members of the public to access the results of performance assessments.

This legislation provides greater accountability by requiring agencies to consider input from Congress and members of the public when developing priorities and by requiring the Government Accountability Office to report to Congress on agency implementation of this legislation.

The Senate amendments retain important provisions from the House-passed bill establishing performance improvement officers at each agency and establishing a performance improvement council. These are not new ideas as they were required by an Executive Order issued by President George W. Bush. Putting these provisions, as well as the rest of this bill in statute will provide a certain framework for both the current and future administrations.

A vote in favor of this bill is a vote in favor of an efficient, effective government. I urge my colleagues to support this legislation.

□ 1520

Mr. CUELLAR. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1781, the previous question is ordered.

The question is on the motion by the gentleman from Texas (Mr. CUELLAR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ISSA. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further proceedings on this question will be postponed.

FDA FOOD SAFETY MODERNIZATION ACT

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 1781, I call up the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate (Mr. CUELLAR) amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all that follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking ''section 414 when'' and all that follows through ''subject to'' and inserting ''section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to''.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, received, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of a facility—

''(A) that created, caused, or was otherwise responsible for such reasonable probability; or

''(B)(i) that knew of, or had reason to know of, such reasonable probability; and

''(ii) packed, received, or held such food.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 days after the submission of the corrective action plan or such other time period as determined by the Secretary.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall promptly vacate the order and reinstate the registration of the facility subject to the order or modify the order, as appropriate.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, no person shall import or export food into the United States from such facility, offer to import or export food into the United States from such facility, or otherwise introduce food from such facility into interstate or intrastate commerce in the United States.

''(5) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations to implement this subsection. The Secretary may promulgate such regulations on an interim final basis.

''(B) REGISTRATION REQUIREMENT.—The Secretary may require that registration under this section be submitted in an electronic format. Such requirement may not take effect before the date that is 5 years after the date of enactment of the FDA Food Safety Modernization Act.

''(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

''(A) the date on which the Secretary issues regulations under paragraph (5); or

''(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

''(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under section 415(b)(5) of the Federal Food, Drug, and Cosmetic Act (as added by this section), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such regulations to assist small entities in complying with registration requirements and other activities required under such section.

(3) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CLARIFICATION OF INTENT.—

(1) RETAIL FOOD ESTABLISHMENT.—The Secretary shall amend the definition of the term ''retail food establishment'' in section 1.227(b)(11) of title 21, Code of Federal Regulations to clarify that, in determining the primary function of an establishment or a retail food establishment under such section, the sale of food products directly to consumers by such establishment and the sale of food directly to consumers by such retail food establishment include—

(A) the sale of such food products or food directly to consumers by such establishment at a roadside stand or farmers' market where such stand or market is located other than where the food was manufactured or processed;

(B) the sale and distribution of such food through a community supported agriculture program; and

(C) the sale and distribution of such food at any other such direct sales platform as determined by the Secretary.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term ''community supported agriculture program'' has the same meaning given the term ''community supported agriculture (CSA) program'' in section 249.2 of title 7, Code of Federal Regulations (or any successor regulation); and

(B) the term ''consumer'' does not include a business.

(d) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

SEC. 103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, or may be unintentionally introduced; and

''(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and

''(3) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b)(1) will be significantly minimized or prevented;

''(2) any hazards identified in the hazard analysis conducted under subsection (b)(2) will be significantly minimized or prevented and addressed, consistent with section 420, as applicable; and

''(3) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures to ensure that, if the preventive controls implemented under subsection (c) are not properly implemented or are found to be ineffective—

''(1) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure;

''(2) all affected food is evaluated for safety; and

''(3) all affected food is prevented from entering into commerce if the owner, operator or agent in charge of such facility cannot ensure that the affected food is not adulterated under section 402 or misbranded under section 403(w).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

''(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

''(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions and processes in the facility, and new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding, including, as appropriate, results from the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessment.

''(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

''(1) IN GENERAL.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(A) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(B) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(C) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(2) APPLICABILITY.—The exemption under paragraph (1)(C) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(k) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to activities of a facility that are subject to section 419.

''(l) MODIFIED REQUIREMENTS FOR QUALIFIED FACILITIES.—

''(1) QUALIFIED FACILITIES.—

''(A) IN GENERAL.—A facility is a qualified facility for purposes of this subsection if the facility meets the conditions under subparagraph (B) or (C).

''(B) VERY SMALL BUSINESS.—A facility is a qualified facility under this subparagraph—

''(i) if the facility, including any subsidiary or affiliate of the facility, is, collectively, a very small business (as defined in the regulations promulgated under subsection (n)); and

''(ii) in the case where the facility is a subsidiary or affiliate of an entity, if such subsidiaries or affiliates, are, collectively, a very small business (as so defined).

''(C) LIMITED ANNUAL MONETARY VALUE OF SALES.—

''(i) IN GENERAL.—A facility is a qualified facility under this subparagraph if clause (ii) applies—

''(I) to the facility, including any subsidiary or affiliate of the facility, collectively; and

''(II) to the subsidiaries or affiliates, collectively, of any entity of which the facility is a subsidiary or affiliate.

''(ii) AVERAGE ANNUAL MONETARY VALUE.—This clause applies if—

''(I) during the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as described in clause (i)) that is sold directly to qualified end-users during such period exceeded the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as so described) sold by such facility (or collectively by any such subsidiary or affiliate) to all other purchasers during such period; and

''(II) the average annual monetary value of all food sold by such facility (or the collective average annual monetary value of such food sold by any subsidiary or affiliate, as described in clause (i)) during such period was less than $500,000, adjusted for inflation.

''(2) EXEMPTION.—A qualified facility—

''(A) shall not be subject to the requirements under subsections (a) through (i) and subsection (n) in an applicable calendar year; and

''(B) shall submit to the Secretary—

''(i)(I) documentation that demonstrates that the owner, operator, or agent in charge of the facility has identified potential hazards associated with the food being produced, is implementing preventive controls to address the hazards, and is monitoring the preventive controls to ensure that such controls are effective; or

''(II) documentation (which may include licenses, inspection reports, certificates, permits,

credentials, certification by an appropriate agency (such as a State department of agriculture), or other evidence of oversight), as specified by the Secretary, that the facility is in compliance with State, local, county, or other applicable non-Federal food safety law; and

''(ii) documentation, as specified by the Secretary in a guidance document issued not later than 1 year after the date of enactment of this section, that the facility is a qualified facility under paragraph (1)(B) or (1)(C).

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a qualified facility subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a qualified facility that are material to the safety of the food manufactured, processed, packed, or held at such facility, the Secretary may withdraw the exemption provided to such facility under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means any facility that controls, is controlled by, or is under common control with another facility.

''(B) QUALIFIED END-USER.—The term 'qualified end-user', with respect to a food, means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that—

''(I) is located—

''(aa) in the same State as the qualified facility that sold the food to such restaurant or establishment; or

''(bb) not more than 275 miles from such facility; and

''(II) is purchasing the food for sale directly to consumers at such restaurant or retail food establishment.

''(C) CONSUMER.—For purposes of subparagraph (B), the term 'consumer' does not include a business.

''(D) SUBSIDIARY.—The term 'subsidiary' means any company which is owned or controlled directly or indirectly by another company.

''(5) STUDY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the food processing sector regulated by the Secretary to determine—

''(i) the distribution of food production by type and size of operation, including monetary value of food sold;

''(ii) the proportion of food produced by each type and size of operation;

''(iii) the number and types of food facilities co-located on farms, including the number and proportion by commodity and by manufacturing or processing activity;

''(iv) the incidence of foodborne illness originating from each size and type of operation and the type of food facilities for which no reported or known hazard exists; and

''(v) the effect on foodborne illness risk associated with commingling, processing, transporting, and storing food and raw agricultural commodities, including differences in risk based on the scale and duration of such activities.

''(B) SIZE.—The results of the study conducted under subparagraph (A) shall include the information necessary to enable the Secretary to define the terms 'small business' and 'very small business', for purposes of promulgating the regulation under subsection (n). In defining such terms, the Secretary shall include consideration of harvestable acres, income, the number of employees, and the volume of food harvested.

''(C) SUBMISSION OF REPORT.—Not later than 18 months after the date of enactment the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subparagraph (A).

''(6) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production of food. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(7) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A qualified facility that is exempt from the requirements under subsections (a) through (i) and subsection (n) and does not prepare documentation under paragraph (2)(B)(i)(I) shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(m) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

''(n) REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations—

''(A) to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under this section; and

''(B) to define, for purposes of this section, the terms 'small business' and 'very small business', taking into consideration the study described in subsection (l)(5).

''(2) COORDINATION.—In promulgating the regulations under paragraph (1)(A), with regard to hazards that may be intentionally introduced, including by acts of terrorism, the Secretary shall coordinate with the Secretary of Homeland Security, as appropriate.

''(3) CONTENT.—The regulations promulgated under paragraph (1)(A) shall—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm;

''(B) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the facility, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(C) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(D) not require a facility to hire a consultant or other third party to identify, implement, certify, or audit preventative controls, except in the case of negotiated enforcement resolutions that may require such a consultant or third party.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to prescribe specific technologies, practices, or critical controls for an individual facility.

''(5) REVIEW.—In promulgating the regulations under paragraph (1)(A), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of the FDA Food Safety Modernization Act, including the Grade 'A' Pasteurized Milk Ordinance to ensure that such regulations are consistent, to the extent practicable, with applicable domestic and internationally-recognized standards in existence on such date.

''(o) DEFINITIONS.—For purposes of this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (b) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

''(D) A food allergen control program.

''(E) A recall plan.

''(F) Current Good Manufacturing Practices (cGMPs) under part 110 of title 21, Code of Federal Regulations (or any successor regulations).

''(G) Supplier verification activities that relate to the safety of food.''.

(b) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to the regulations promulgated under subsection (b)(1) with respect to the hazard analysis and preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—

(A) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall publish a notice of proposed rulemaking in the Federal Register to promulgate regulations with respect to—

(i) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act; and

(ii) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415.

(B) CLARIFICATION.—The rulemaking described under subparagraph (A) shall enhance the implementation of such section 415 and clarify the activities that are included as part of the

definition of the term ''facility'' under such section 415. Nothing in this Act authorizes the Secretary to modify the definition of the term ''facility'' under such section.

(C) SCIENCE-BASED RISK ANALYSIS.—In promulgating regulations under subparagraph (A), the Secretary shall conduct a science-based risk analysis of—

(i) specific types of on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership, as such packing and holding relates to specific foods; and

(ii) specific on-farm manufacturing and processing activities as such activities relate to specific foods that are not consumed on that farm or on another farm under common ownership.

(D) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—

(i) IN GENERAL.—In promulgating the regulations under subparagraph (A), the Secretary shall consider the results of the science-based risk analysis conducted under subparagraph (C), and shall exempt certain facilities from the requirements in section 418 of the Federal Food, Drug, and Cosmetic Act (as added by this section), including hazard analysis and preventive controls, and the mandatory inspection frequency in section 421 of such Act (as added by section 201), or modify the requirements in such sections 418 or 421, as the Secretary determines appropriate, if such facilities are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities that the Secretary determines to be low risk involving specific foods the Secretary determines to be low risk.

(ii) LIMITATION.—The exemptions or modifications under clause (i) shall not include an exemption from the requirement to register under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, if applicable, and shall apply only to small businesses and very small businesses, as defined in the regulation promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added under subsection (a)).

(2) FINAL REGULATIONS.—Not later than 9 months after the close of the comment period for the proposed rulemaking under paragraph (1), the Secretary shall adopt final rules with respect to—

(A) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act;

(B) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415; and

(C) the requirements under sections 418 and 421 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, from which the Secretary may issue exemptions or modifications of the requirements for certain types of facilities.

(d) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under subsection (n) of section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 418 and this section to assist small entities in complying with the hazard analysis and other activities required under such section 418 and this section.

(e) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.''.

(f) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce Hazard Analysis Critical Control programs and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(g) DIETARY SUPPLEMENTS.—Nothing in the amendments made by this section shall apply to any facility with regard to the manufacturing, processing, packing, or holding of a dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa–1).

(h) UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.—The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

(i) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined in the regulations promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added by this section)) beginning on the date that is 6 months after the effective date of such regulations; and

(B) the amendments made by this section shall apply to a very small business (as defined in such regulations) beginning on the date that is 18 months after the effective date of such regulations.

SEC. 104. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Secretary shall, in coordination with the Secretary of Agriculture, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, current Good Manufacturing Practices issued by the Secretary relating to food, and relevant recommendations of relevant advisory committees, including the Food Advisory Committee, to determine the most significant foodborne contaminants.

(b) GUIDANCE DOCUMENTS AND REGULATIONS.—Based on the review and evaluation conducted under subsection (a), and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread by food of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, including guidance documents regarding action levels, or regulations. Such guidance, including guidance regarding action levels, or regulations—

(1) shall apply to products or product classes;

(2) shall, where appropriate, differentiate between food for human consumption and food intended for consumption by animals other than humans; and

(3) shall not be written to be facility-specific.

(c) NO DUPLICATION OF EFFORTS.—The Secretary shall coordinate with the Secretary of Agriculture to avoid issuing duplicative guidance on the same contaminants.

(d) REVIEW.—The Secretary shall periodically review and revise, as appropriate, the guidance documents, including guidance documents regarding action levels, or regulations promulgated under this section.

SEC. 105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 103, is amended by adding at the end the following:

''SEC. 419. STANDARDS FOR PRODUCE SAFETY.

''(a) PROPOSED RULEMAKING.—

''(1) IN GENERAL.—

''(A) RULEMAKING.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990), and in consultation with the Secretary of Homeland Security, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(B) DETERMINATION BY SECRETARY.—With respect to small businesses and very small businesses (as such terms are defined in the regulation promulgated under subparagraph (A)) that produce and harvest those types of fruits and vegetables that are raw agricultural commodities that the Secretary has determined are low risk and do not present a risk of serious adverse health consequences or death, the Secretary may determine not to include production and harvesting of such fruits and vegetables in such rulemaking, or may modify the applicable requirements of regulations promulgated pursuant to this section.

''(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

''(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

''(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

''(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, science-based minimum standards related to soil amendments, hygiene, packaging, temperature controls, animals in the growing area, and water;

''(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

''(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies;

''(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990, while providing the same level of public health protection as the requirements under guidance documents, including guidance documents regarding action levels, and regulations under the FDA Food Safety Modernization Act; and

''(F) define, for purposes of this section, the terms 'small business' and 'very small business'

''(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations under this section for specific fruits and vegetables that are raw agricultural commodities based

on known risks which may include a history and severity of foodborne illness outbreaks.

''(b) FINAL REGULATION.—

''(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum science-based standards for those types of fruits and vegetables, including specific mixes or categories of fruits or vegetables, that are raw agricultural commodities, based on known safety risks, which may include a history of foodborne illness outbreaks.

''(2) FINAL REGULATION.—The final regulation shall—

''(A) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States or the appropriate elected State official as recognized by State statute; and

''(B) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

''(3) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

''(A) the regulations promulgated under this section shall apply to a small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 1 year after the effective date of the final regulation under paragraph (1); and

''(B) the regulations promulgated under this section shall apply to a very small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 2 years after the effective date of the final regulation under paragraph (1).

''(c) CRITERIA.—

''(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

''(A) set forth those procedures, processes, and practices that the Secretary determines to minimize the risk of serious adverse health consequences or death, including procedures, processes, and practices that the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402;

''(B) provide sufficient flexibility to be practicable for all sizes and types of businesses, including small businesses such as a small food processing facility co-located on a farm;

''(C) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the business, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(D) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(E) not require a business to hire a consultant or other third party to identify, implement, certify, compliance with these procedures, processes, and practices, except in the case of negotiated enforcement resolutions that may require such a consultant or third party; and

''(F) permit States and foreign countries from which food is imported into the United States to request from the Secretary variances from the requirements of the regulations, subject to paragraph (2), where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 and to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(2) VARIANCES.—

''(A) REQUESTS FOR VARIANCES.—A State or foreign country from which food is imported into the United States may in writing request a variance from the Secretary. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the food for which the variance is requested will be adulterated under section 402, and that the variance provides the same level of public health protection as the requirements of the regulations adopted under subsection (b). The Secretary shall review such requests in a reasonable timeframe.

''(B) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

''(C) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulation adopted under subsection (b). The Secretary shall notify the person requesting such variance of the reasons for the denial.

''(D) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting or importing of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce under this section.

''(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives, and for importers of fruits and vegetables that are raw agricultural commodities.

''(3) PAPERWORK REDUCTION.—The Secretary shall ensure that any updated guidance under this section will—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm; and

''(B) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods.

''(f) EXEMPTION FOR DIRECT FARM MARKETING.—

''(1) IN GENERAL.—A farm shall be exempt from the requirements under this section in a calendar year if—

''(A) during the previous 3-year period, the average annual monetary value of the food sold by such farm directly to qualified end-users during such period exceeded the average annual monetary value of the food sold by such farm to all other buyers during such period; and

''(B) the average annual monetary value of all food sold during such period was less than $500,000, adjusted for inflation.

''(2) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A farm that is exempt from the requirements under this section shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the farm where the produce was grown; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provision of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the farm where the produce was grown, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a farm subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a farm that are material to the safety of the food produced or harvested at such farm, the Secretary may withdraw the exemption provided to such farm under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—

''(A) QUALIFIED END-USER.—In this subsection, the term 'qualified end-user', with respect to a food means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that is located—

''(I) in the same State as the farm that produced the food; or

''(II) not more than 275 miles from such farm.

''(B) CONSUMER.—For purposes of subparagraph (A), the term 'consumer' does not include a business.

''(5) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production, harvesting, holding, transportation, and sale of fresh fruits and vegetables. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(6) LIMITATION OF EFFECT.—Nothing in this subsection shall prevent the Secretary from exercising any authority granted in the other sections of this Act.

''(g) CLARIFICATION.—This section shall not apply to produce that is produced by an individual for personal consumption.

''(h) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to activities of a facility that are subject to section 418.''.

(b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of regulations under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary of Health and Human Services shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 419 and to assist small entities in complying with standards for safe production and harvesting and other activities required under such section.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 103, is amended by adding at the end the following:

''(vv) The failure to comply with the requirements under section 419.''.

(d) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 105, is amended by adding at the end the following:

''SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

''(a) DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct a vulnerability assessment of the food system, including by consideration of the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessments;

''(B) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration of food at vulnerable points; and

''(C) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(2) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which determinations made under paragraph (1) are made publicly available.

''(b) REGULATIONS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act. Such regulations shall—

''(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

''(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

''(c) APPLICABILITY.—Regulations promulgated under subsection (b) shall apply only to food for which there is a high risk of intentional contamination, as determined by the Secretary, in consultation with the Secretary of Homeland Security, under subsection (a), that could cause serious adverse health consequences or death to humans or animals and shall include those foods—

''(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points); and

''(2) in bulk or batch form, prior to being packaged for the final consumer.

''(d) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

''(e) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (b)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (b)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (b)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under section 420(b) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 105, is amended by adding at the end the following:

''(ww) The failure to comply with section 420.''.

SEC. 107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

''PART 6—FEES RELATED TO FOOD

''SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

''(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

''(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

''(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

''(2) DEFINITIONS.—For purposes of this section—

''(A) the term 'reinspection' means—

''(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction;

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section; and

''(C) the term 'responsible party' has the meaning given such term in section 417(a)(1).

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—

''(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(c) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

''(II) RECOUPMENT.—In establishing the fee amounts under subparagraph (A)(iii) for the first 5 fiscal years after the date of enactment of this section, the Secretary shall include in such fee a reasonable surcharge that provides a recoupment of the costs expended by the Secretary to establish and implement the first year of the program under section 806.

''(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(iii) PUBLISHED GUIDELINES.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

''(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

''(2) AUTHORITY.—If—

''(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

''(B) at a later date in such fiscal year, such paragraph (1) ceases to apply,

the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

''(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

''(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

''(i) under subparagraph (B) of subsection (a)(1) exceeds $20,000,000; and

''(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds $25,000,000 combined.

''(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

(3) LIMITATIONS ON THE USE AND AMOUNT OF FEES.—Paragraph (4) of section 801(e) (21 U.S.C. 381(e)) is amended by adding at the end the following:

''(D) With regard to fees pursuant to subparagraph (B) in connection with written export certifications for food:

''(i) Such fees shall be collected and available solely for the costs of the Food and Drug Administration associated with issuing such certifications.

''(ii) Such fees may not be retained in an amount that exceeds such costs for the respective fiscal year.''

SEC. 108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and transmit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(3) EVALUATION.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall—

(A) develop metrics to measure progress for the evaluation process described in paragraph (1)(B); and

(B) report on the progress measured in subparagraph (A) as part of the National Agriculture and Food Defense strategy described in subsection (a)(1).

(c) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 110. BUILDING DOMESTIC CAPACITY.

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 108 and 205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 (21 U.S.C. 350d).

(I) Specific efforts taken pursuant to the agreements authorized under section 421(c) of the Federal Food, Drug, and Cosmetic Act (as added by section 201), together with, as necessary, a description of any additional authorities necessary to improve seafood safety.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially-available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities and progress toward laboratory accreditation under section 422 of the Federal Food, Drug, and Cosmetic Act (as added by section 202).

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 201(r) (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary, the Secretary of Agriculture, and the Secretary of Homeland Security shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

(h) EFFECTIVENESS OF PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—To determine whether existing Federal programs administered by the Department of Health and Human Services are effective in achieving the stated goals of such programs, the Secretary shall, beginning not later than 1 year after the date of enactment of this Act—

(A) conduct an annual evaluation of each program of such Department to determine the effectiveness of each such program in achieving legislated intent, purposes, and objectives; and

(B) submit to Congress a report concerning such evaluation.

(2) CONTENT.—The report described under paragraph (1)(B) shall—

(A) include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions;

(B) include recommendations for consolidation and elimination to reduce duplication and inefficiencies in such programs at such Department as identified during the evaluation conduct under this subsection; and

(C) be made publicly available in a publication entitled ''Guide to the U.S. Department of Health and Human Services Programs''.

(i) UNIQUE IDENTIFICATION NUMBERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study regarding the need for, and challenges associated with, development and implementation of a program that requires a unique identification number for each food facility registered with the Secretary and, as appropriate, each broker that imports food into the United States. Such study shall include an evaluation of the costs associated with development and implementation of such a system, and make recommendations about what new authorities, if any, would be necessary to develop and implement such a system.

(2) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (1) and that includes any recommendations determined appropriate by the Secretary.

SEC. 111. SANITARY TRANSPORTATION OF FOOD.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(b) FOOD TRANSPORTATION STUDY.—The Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study of the

transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

SEC. 112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as non-academic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis

management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

SEC. 113. NEW DIETARY INGREDIENTS.

(a) IN GENERAL.—Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) NOTIFICATION.—

''(1) IN GENERAL.—If the Secretary determines that the information in a new dietary ingredient notification submitted under this section for an article purported to be a new dietary ingredient is inadequate to establish that a dietary supplement containing such article will reasonably be expected to be safe because the article may be, or may contain, an anabolic steroid or an analogue of an anabolic steroid, the Secretary shall notify the Drug Enforcement Administration of such determination. Such notification by the Secretary shall include, at a minimum, the name of the dietary supplement or article, the name of the person or persons who marketed the product or made the submission of information regarding the article to the Secretary under this section, and any contact information for such person or persons that the Secretary has.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'anabolic steroid' has the meaning given such term in section 102(41) of the Controlled Substances Act; and

''(B) the term 'analogue of an anabolic steroid' means a substance whose chemical structure is substantially similar to the chemical structure of an anabolic steroid.''.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidance that clarifies when a dietary supplement ingredient is a new dietary ingredient, when the manufacturer or distributor of a dietary ingredient or dietary supplement should provide the Secretary with information as described in section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act, the evidence needed to document the safety of new dietary ingredients, and appropriate methods for establishing the identify of a new dietary ingredient.

SEC. 114. REQUIREMENT FOR GUIDANCE RELATING TO POST HARVEST PROCESSING OF RAW OYSTERS.

(a) IN GENERAL.—Not later than 90 days prior to the issuance of any guidance, regulation, or suggested amendment by the Food and Drug Administration to the National Shellfish Sanitation Program's Model Ordinance, or the issuance of any guidance or regulation by the Food and Drug Administration relating to the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration (parts 123 and 1240 of title 21, Code of Federal Regulations (or any successor regulations), where such guidance, regulation or suggested amendment relates to post harvest processing for raw oysters, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which shall include—

(1) an assessment of how post harvest processing or other equivalent controls feasibly may be implemented in the fastest, safest, and most economical manner;

(2) the projected public health benefits of any proposed post harvest processing;

(3) the projected costs of compliance with such post harvest processing measures;

(4) the impact post harvest processing is expected to have on the sales, cost, and availability of raw oysters;

(5) criteria for ensuring post harvest processing standards will be applied equally to shellfish imported from all nations of origin;

(6) an evaluation of alternative measures to prevent, eliminate, or reduce to an acceptable level the occurrence of foodborne illness; and

(7) the extent to which the Food and Drug Administration has consulted with the States and other regulatory agencies, as appropriate, with regard to post harvest processing measures.

(b) LIMITATION.—Subsection (a) shall not apply to the guidance described in section 103(h).

(c) REVIEW AND EVALUATION.—Not later than 30 days after the Secretary issues a proposed regulation or guidance described in subsection (a), the Comptroller General of the United States shall—

(1) review and evaluate the report described in (a) and report to Congress on the findings of the estimates and analysis in the report;

(2) compare such proposed regulation or guidance to similar regulations or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods; and

(3) evaluate the impact of post harvest processing on the competitiveness of the domestic oyster industry in the United States and in international markets.

(d) WAIVER.—The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

(e) PUBLIC ACCESS.—Any report prepared under this section shall be made available to the public.

SEC. 115. PORT SHOPPING.

Until the date on which the Secretary promulgates a final rule that implements the amendments made by section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, (Public Law 107–188), the Secretary shall notify the Secretary of Homeland Security of all instances in which the Secretary refuses to admit a food into the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) so that the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may prevent food refused admittance into the United States by a United States port of entry from being admitted by another United States port of entry, through the notification of other such United States ports of entry.

SEC. 116. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—Except as provided by sections 102, 206, 207, 302, 304, 402, 403, and 404 of this Act, and the amendments made by such sections, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5001 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the receipt and distribution of any non-alcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes non-alcohol food, provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—Except as provided in subsections (a) and (b), this section shall not be construed to exempt any food, other than alcoholic beverages, as defined in section 214 of the Federal Alcohol Administration Act (27 U.S.C. 214), from the requirements of this Act (including the amendments made by this Act).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 106, is amended by adding at the end the following:

''SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall identify high-risk facilities and shall allocate resources to inspect facilities according to the known safety risks of the facilities, which shall be based on the following factors:

''(A) The known safety risks of the food manufactured, processed, packed, or held at the facility.

''(B) The compliance history of a facility, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(C) The rigor and effectiveness of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, or held at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the food or the facility that manufactured, processed, packed, or held such food has received a certification as described in section 801(q) or 806, as appropriate.

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

''(B) DOMESTIC HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of domestic facilities identified under paragraph (1) as high-risk facilities such that each such facility is inspected—

''(i) not less often than once in the 5-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 3 years thereafter.

''(C) DOMESTIC NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each domestic facility that is not identified under paragraph (1) as a high-risk facility is inspected—

''(i) not less often than once in the 7-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 5 years thereafter.

''(D) FOREIGN FACILITIES.—

''(i) YEAR 1.—In the 1-year period following the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall inspect not fewer than 600 foreign facilities.

''(ii) SUBSEQUENT YEARS.—In each of the 5 years following the 1-year period described in clause (i), the Secretary shall inspect not fewer than twice the number of foreign facilities inspected by the Secretary during the previous year.

''(E) RELIANCE ON FEDERAL, STATE, OR LOCAL INSPECTIONS.—In meeting the inspection requirements under this subsection for domestic facilities, the Secretary may rely on inspections conducted by other Federal, State, or local agencies under interagency agreement, contract, memoranda of understanding, or other obligation.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect any article of food imported into the United States according to the known safety risks of the article of food, which shall be based on the following factors:

''(1) The known safety risks of the food imported.

''(2) The known safety risks of the countries or regions of origin and countries through which such article of food is transported.

''(3) The compliance history of the importer, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(4) The rigor and effectiveness of the activities conducted by the importer of such article of food to satisfy the requirements of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food or the facility that manufactured, processed, packed, or held such food received a certification as described in section 801(q) or 806.

''(8) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(c) INTERAGENCY AGREEMENTS WITH RESPECT TO SEAFOOD.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Chairman of the Federal Trade Commission, and the heads of other appropriate agencies may enter into such agreements as may be necessary or appropriate to improve seafood safety.

''(2) SCOPE OF AGREEMENTS.—The agreements under paragraph (1) may include—

''(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

''(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

''(C) standardization of data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

''(D) coordination to detect and investigate violations under applicable Federal law;

''(E) a process, including the use or modification of existing processes, by which officers and employees of the National Oceanic and Atmospheric Administration may be duly designated by the Secretary to carry out seafood examinations and investigations under section 801 of this Act or section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004;

''(F) the sharing of information concerning observed non-compliance with United States food requirements domestically and in foreign nations and new regulatory decisions and policies that may affect the safety of food imported into the United States;

''(G) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities; and

''(H) outreach on Federal efforts to enhance seafood safety and compliance with Federal food safety requirements.

''(d) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture and the Secretary of Homeland Security to target food inspection resources.

''(e) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report, including efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections, regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a line of food subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices of the Food and Drug Administration including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

(c) ADVISORY COMMITTEE CONSULTATION.—In allocating inspection resources as described in section 421 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary may, as appropriate, consult with any relevant advisory committee within the Department of Health and Human Services.

SEC. 202. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 201, is amended by adding at the end the following:

''SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

''(a) RECOGNITION OF LABORATORY ACCREDITATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(A) establish a program for the testing of food by accredited laboratories;

''(B) establish a publicly available registry of accreditation bodies recognized by the Secretary and laboratories accredited by a recognized accreditation body, including the name of, contact information for, and other information deemed appropriate by the Secretary about such bodies and laboratories; and

''(C) require, as a condition of recognition or accreditation, as appropriate, that recognized accreditation bodies and accredited laboratories report to the Secretary any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

''(2) PROGRAM REQUIREMENTS.—The program established under paragraph (1)(A) shall provide for the recognition of laboratory accreditation bodies that meet criteria established by the Secretary for accreditation of laboratories, including independent private laboratories and laboratories run and operated by a Federal agency (including the Department of Commerce), State, or locality with a demonstrated capability to conduct 1 or more sampling and analytical testing methodologies for food.

''(3) INCREASING THE NUMBER OF QUALIFIED LABORATORIES.—The Secretary shall work with the laboratory accreditation bodies recognized under paragraph (1), as appropriate, to increase the number of qualified laboratories that are eligible to perform testing under subparagraph (b) beyond the number so qualified on the date of enactment of the FDA Food Safety Modernization Act.

''(4) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in coordination with the Secretary of Homeland Security, may determine the time, manner, and form in which the registry established under paragraph (1)(B) is made publicly available.

''(5) FOREIGN LABORATORIES.—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

''(6) MODEL LABORATORY STANDARDS.—The Secretary shall develop model standards that a laboratory shall meet to be accredited by a recognized accreditation body for a specified sampling or analytical testing methodology and included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall consult existing standards for guidance. The model standards shall include—

''(A) methods to ensure that—

''(i) appropriate sampling, analytical procedures (including rapid analytical procedures), and commercially available techniques are followed and reports of analyses are certified as true and accurate;

''(ii) internal quality systems are established and maintained;

''(iii) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is accredited; and

''(iv) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

''(B) any other criteria determined appropriate by the Secretary.

''(7) REVIEW OF RECOGNITION.—To ensure compliance with the requirements of this section, the Secretary—

''(A) shall periodically, and in no case less than once every 5 years, reevaluate accreditation bodies recognized under paragraph (1) and may accompany auditors from an accreditation body to assess whether the accreditation body meets the criteria for recognition; and

''(B) shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

''(b) TESTING PROCEDURES.—

''(1) IN GENERAL.—Not later than 30 months after the date of enactment of the FDA Food Safety Modernization Act, food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited for the appropriate sampling or analytical testing methodology or methodologies by a recognized accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

''(A) by or on behalf of an owner or consignee—

''(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

''(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; or

''(B) on behalf of an owner or consignee—

''(i) in support of admission of an article of food under section 801(a); and

''(ii) under an Import Alert that requires successful consecutive tests.

''(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results from such submission requirement if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

''(3) EXCEPTION.—The Secretary may waive requirements under this subsection if—

''(A) a new methodology or methodologies have been developed and validated but a laboratory has not yet been accredited to perform such methodology or methodologies; and

''(B) the use of such methodology or methodologies are necessary to prevent, control, or mitigate a food emergency or foodborne illness outbreak.

''(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by a recognized accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

''(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and tribal food laboratories, including the adoption of novel surveillance and identification technologies and the sharing of data between Federal agencies and State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which laboratory network members could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 204. ENHANCING TRACKING AND TRACING OF FOOD AND RECORDKEEPING.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), taking into account recommendations from the Secretary of Agriculture and representatives of State departments of health and agriculture, shall establish pilot projects in coordination with the food industry to explore and evaluate methods to rapidly and effectively identify recipients of food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) or misbranded under section 403(w) of such Act (21 U.S.C. 343(w)).

(2) CONTENT.—The Secretary shall conduct 1 or more pilot projects under paragraph (1) in coordination with the processed food sector and 1 or more such pilot projects in coordination with processors or distributors of fruits and vegetables that are raw agricultural commodities. The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the food supply and include at least 3 different types of foods that have been the subject of significant outbreaks during the 5-year period preceding the date of enactment of this Act, and are selected in order to—

(A) develop and demonstrate methods for rapid and effective tracking and tracing of foods in a manner that is practicable for facilities of varying sizes, including small businesses;

(B) develop and demonstrate appropriate technologies, including technologies existing on the date of enactment of this Act, that enhance the tracking and tracing of food; and

(C) inform the promulgation of regulations under subsection (d).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under this subsection together with recommendations for improving the tracking and tracing of food.

(b) ADDITIONAL DATA GATHERING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and multiple representatives of State departments of health and agriculture, shall assess—

(A) the costs and benefits associated with the adoption and use of several product tracing technologies, including technologies used in the pilot projects under subsection (a);

(B) the feasibility of such technologies for different sectors of the food industry, including small businesses; and

(C) whether such technologies are compatible with the requirements of this subsection.

(2) REQUIREMENTS.—To the extent practicable, in carrying out paragraph (1), the Secretary shall—

(A) evaluate domestic and international product tracing practices in commercial use;

(B) consider international efforts, including an assessment of whether product tracing requirements developed under this section are compatible with global tracing systems, as appropriate; and

(C) consult with a diverse and broad range of experts and stakeholders, including representatives of the food industry, agricultural producers, and nongovernmental organizations that represent the interests of consumers.

(c) PRODUCT TRACING SYSTEM.—The Secretary, in consultation with the Secretary of Agriculture, shall, as appropriate, establish within the Food and Drug Administration a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food that is in the United States or offered for import into the United States. Prior to the establishment of such product tracing system, the Secretary shall examine the results of applicable pilot projects and shall ensure that the activities of such system are adequately supported by the results of such pilot projects.

(d) ADDITIONAL RECORDKEEPING REQUIREMENTS FOR HIGH RISK FOODS.—

(1) IN GENERAL.—In order to rapidly and effectively identify recipients of a food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act or misbranded under section 403(w) of such Act, not later than 2 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish recordkeeping requirements, in addition to the requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor

regulations), for facilities that manufacture, process, pack, or hold foods that the Secretary designates under paragraph (2) as high-risk foods. The Secretary shall set an appropriate effective date of such additional requirements for foods designated as high risk that takes into account the length of time necessary to comply with such requirements. Such requirements shall—

(A) relate only to information that is reasonably available and appropriate;

(B) be science-based;

(C) not prescribe specific technologies for the maintenance of records;

(D) ensure that the public health benefits of imposing additional recordkeeping requirements outweigh the cost of compliance with such requirements;

(E) be scale-appropriate and practicable for facilities of varying sizes and capabilities with respect to costs and recordkeeping burdens, and not require the creation and maintenance of duplicate records where the information is contained in other company records kept in the normal course of business;

(F) minimize the number of different recordkeeping requirements for facilities that handle more than 1 type of food;

(G) to the extent practicable, not require a facility to change business systems to comply with such requirements;

(H) allow any person subject to this subsection to maintain records required under this subsection at a central or reasonably accessible location provided that such records can be made available to the Secretary not later than 24 hours after the Secretary requests such records; and

(I) include a process by which the Secretary may issue a waiver of the requirements under this subsection if the Secretary determines that such requirements would result in an economic hardship for an individual facility or a type of facility;

(J) be commensurate with the known safety risks of the designated food;

(K) take into account international trade obligations;

(L) not require—

(i) a full pedigree, or a record of the complete previous distribution history of the food from the point of origin of such food;

(ii) records of recipients of a food beyond the immediate subsequent recipient of such food; or

(iii) product tracking to the case level by persons subject to such requirements; and

(M) include a process by which the Secretary may remove a high-risk food designation developed under paragraph (2) for a food or type of food.

(2) DESIGNATION OF HIGH-RISK FOODS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and thereafter as the Secretary determines necessary, the Secretary shall designate high-risk foods for which the additional recordkeeping requirements described in paragraph (1) are appropriate and necessary to protect the public health. Each such designation shall be based on—

(i) the known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the Centers for Disease Control and Prevention;

(ii) the likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce such food;

(iii) the point in the manufacturing process of the food where contamination is most likely to occur;

(iv) the likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;

(v) the likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and

(vi) the likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

(B) LIST OF HIGH-RISK FOODS.—At the time the Secretary promulgates the final rules under paragraph (1), the Secretary shall publish the list of the foods designated under subparagraph (A) as high-risk foods on the Internet website of the Food and Drug Administration. The Secretary may update the list to designate new high-risk foods and to remove foods that are no longer deemed to be high-risk foods, provided that each such update to the list is consistent with the requirements of this subsection and notice of such update is published in the Federal Register.

(3) PROTECTION OF SENSITIVE INFORMATION.—In promulgating regulations under this subsection, the Secretary shall take appropriate measures to ensure that there are effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section, including periodic risk assessment and planning to prevent unauthorized release and controls to—

(A) prevent unauthorized reproduction of trade secret or confidential information;

(B) prevent unauthorized access to trade secret or confidential information; and

(C) maintain records with respect to access by any person to trade secret or confidential information maintained by the agency.

(4) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(5) RETENTION OF RECORDS.—Except as otherwise provided in this subsection, the Secretary may require that a facility retain records under this subsection for not more than 2 years, taking into consideration the risk of spoilage, loss of value, or loss of palatability of the applicable food when determining the appropriate timeframes.

(6) LIMITATIONS.—

(A) FARM TO SCHOOL PROGRAMS.—In establishing requirements under this subsection, the Secretary shall, in consultation with the Secretary of Agriculture, consider the impact of requirements on farm to school or farm to institution programs of the Department of Agriculture and other farm to school and farm to institution programs outside such agency, and shall modify the requirements under this subsection, as appropriate, with respect to such programs so that the requirements do not place undue burdens on farm to school or farm to institution programs.

(B) IDENTITY-PRESERVED LABELS WITH RESPECT TO FARM SALES OF FOOD THAT IS PRODUCED AND PACKAGED ON A FARM.—The requirements under this subsection shall not apply to a food that is produced and packaged on a farm if—

(i) the packaging of the food maintains the integrity of the product and prevents subsequent contamination or alteration of the product; and

(ii) the labeling of the food includes the name, complete address (street address, town, State, country, and zip or other postal code), and business phone number of the farm, unless the Secretary waives the requirement to include a business phone number of the farm, as appropriate, in order to accommodate a religious belief of the individual in charge of such farm.

(C) FISHING VESSELS.—The requirements under this subsection with respect to a food that is produced through the use of a fishing vessel (as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(18))) shall be limited to the requirements under subparagraph (F) until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

(D) COMMINGLED RAW AGRICULTURAL COMMODITIES.—

(i) LIMITATION ON EXTENT OF TRACING.—Recordkeeping requirements under this subsection with regard to any commingled raw agricultural commodity shall be limited to the requirements under subparagraph (F).

(ii) DEFINITIONS.—For the purposes of this subparagraph—

(I) the term ''commingled raw agricultural commodity'' means any commodity that is combined or mixed after harvesting, but before processing;

(II) the term ''commingled raw agricultural commodity'' shall not include types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that standards promulgated under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 105) would minimize the risk of serious adverse health consequences or death; and

(III) the term ''processing'' means operations that alter the general state of the commodity, such as canning, cooking, freezing, dehydration, milling, grinding, pasteurization, or homogenization.

(E) EXEMPTION OF OTHER FOODS.—The Secretary may, by notice in the Federal Register, modify the requirements under this subsection with respect to, or exempt a food or a type of facility from, the requirements of this subsection (other than the requirements under subparagraph (F), if applicable) if the Secretary determines that product tracing requirements for such food (such as bulk or commingled ingredients that are intended to be processed to destroy pathogens) or type of facility is not necessary to protect the public health.

(F) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—In the case of a person or food to which a limitation or exemption under subparagraph (C), (D), or (E) applies, if such person, or a person who manufactures, processes, packs, or holds such food, is required to register with the Secretary under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) with respect to the manufacturing, processing, packing, or holding of the applicable food, the Secretary shall require such person to maintain records that identify the immediate previous source of such food and the immediate subsequent recipient of such food.

(G) GROCERY STORES.—With respect to a sale of a food described in subparagraph (H) to a grocery store, the Secretary shall not require such grocery store to maintain records under this subsection other than records documenting the farm that was the source of such food. The Secretary shall not require that such records be kept for more than 180 days.

(H) FARM SALES TO CONSUMERS.—The Secretary shall not require a farm to maintain any distribution records under this subsection with respect to a sale of a food described in subparagraph (I) (including a sale of a food that is produced and packaged on such farm), if such sale is made by the farm directly to a consumer.

(I) SALE OF A FOOD.—A sale of a food described in this subparagraph is a sale of a food in which—

(i) the food is produced on a farm; and

(ii) the sale is made by the owner, operator, or agent in charge of such farm directly to a consumer or grocery store.

(7) NO IMPACT ON NON-HIGH-RISK FOODS.—The recordkeeping requirements established under paragraph (1) shall have no effect on foods that are not designated by the Secretary under paragraph (2) as high-risk foods. Foods described in the preceding sentence shall be subject solely to the recordkeeping requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations).

(e) EVALUATION AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 1 year after the effective date of the final rule promulgated under subsection (d)(1), the Comptroller General

of the United States shall submit to Congress a report, taking into consideration the costs of compliance and other regulatory burdens on small businesses and Federal, State, and local food safety practices and requirements, that evaluates the public health benefits and risks, if any, of limiting—

(A) the product tracing requirements under subsection (d) to foods identified under paragraph (2) of such subsection, including whether such requirements provide adequate assurance of traceability in the event of intentional adulteration, including by acts of terrorism; and

(B) the participation of restaurants in the recordkeeping requirements.

(2) DETERMINATION AND RECOMMENDATIONS.—In conducting the evaluation and report under paragraph (1), if the Comptroller General of the United States determines that the limitations described in such paragraph do not adequately protect the public health, the Comptroller General shall submit to Congress recommendations, if appropriate, regarding recordkeeping requirements for restaurants and additional foods, in order to protect the public health.

(f) FARMS.—

(1) REQUEST FOR INFORMATION.—Notwithstanding subsection (d), during an active investigation of a foodborne illness outbreak, or if the Secretary determines it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak, the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, may request that the owner, operator, or agent of a farm identify potential immediate recipients, other than consumers, of an article of the food that is the subject of such investigation if the Secretary reasonably believes such article of food—

(A) is adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act;

(B) presents a threat of serious adverse health consequences or death to humans or animals; and

(C) was adulterated as described in subparagraph (A) on a particular farm (as defined in section 1.227 of chapter 21, Code of Federal Regulations (or any successor regulation)).

(2) MANNER OF REQUEST.—In making a request under paragraph (1), the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, shall issue a written notice to the owner, operator, or agent of the farm to which the article of food has been traced. The individual providing such notice shall present to such owner, operator, or agent appropriate credentials and shall deliver such notice at reasonable times and within reasonable limits and in a reasonable manner.

(3) DELIVERY OF INFORMATION REQUESTED.—The owner, operator, or agent of a farm shall deliver the information requested under paragraph (1) in a prompt and reasonable manner. Such information may consist of records kept in the normal course of business, and may be in electronic or non-electronic format.

(4) LIMITATION.—A request made under paragraph (1) shall not include a request for information relating to the finances, pricing of commodities produced, personnel, research, sales (other than information relating to shipping), or other disclosures that may reveal trade secrets or confidential information from the farm to which the article of food has been traced, other than information necessary to identify potential immediate recipients of such food. Section 301(j) of the Federal Food, Drug, and Cosmetic Act and the Freedom of Information Act shall apply with respect to any confidential commercial information that is disclosed to the Food and Drug Administration in the course of responding to a request under paragraph (1).

(5) RECORDS.—Except with respect to identifying potential immediate recipients in response to a request under this subsection, nothing in this subsection shall require the establishment or maintenance by farms of new records.

(g) NO LIMITATION ON COMMINGLING OF FOOD.—Nothing in this section shall be construed to authorize the Secretary to impose any limitation on the commingling of food.

(h) SMALL ENTITY COMPLIANCE GUIDE.—Not later than 180 days after promulgation of a final rule under subsection (d), the Secretary shall issue a small entity compliance guide setting forth in plain language the requirements of the regulations under such subsection in order to assist small entities, including farms and small businesses, in complying with the recordkeeping requirements under such subsection.

(i) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding any other provision of law, the regulations promulgated under subsection (d) shall apply—

(1) to small businesses (as defined by the Secretary in section 103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 1 year after the effective date of the final regulations promulgated under subsection (d); and

(2) to very small businesses (as defined by the Secretary in section 103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 2 years after the effective date of the final regulations promulgated under subsection (d).

(j) ENFORCEMENT.—

(1) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting ''; or the violation of any recordkeeping requirement under section 204 of the FDA Food Safety Modernization Act (except when such violation is committed by a farm)'' before the period at the end.

(2) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the recordkeeping requirements under section 204 of the FDA Food Safety Modernization Act (other than the requirements under subsection (f) of such section) have not been complied with regarding such article,'' in the third sentence before ''then such article shall be refused admission''.

SEC. 205. SURVEILLANCE.

(a) DEFINITION OF FOODBORNE ILLNESS OUTBREAK.—In this Act, the term ''foodborne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

(b) FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

(2) WORKING GROUP.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and between the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers at Federal, State, and local levels to improving foodborne illness surveillance and the utility of such surveillance for preventing foodborne illness;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out the activities described in paragraph (1), there is authorized to be appropriated $24,000,000 for each fiscal years 2011 through 2015.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 108.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2010''; and

(2) by striking ''2003 through 2006'' and inserting ''2011 through 2015''.

SEC. 206. MANDATORY RECALL AUTHORITY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 202, is amended by adding at the end the following:

''SEC. 423. MANDATORY RECALL AUTHORITY.

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—

''(1) IN GENERAL.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(A) immediately cease distribution of such article; and

''(B) as applicable, immediately notify all persons—

''(i) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(2) REQUIRED ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—If an article of food covered by a recall order issued under paragraph (1)(B) has been distributed to a warehouse-based third party logistics provider without providing such provider sufficient information to know or reasonably determine the precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the responsible party subject to the order issued under paragraph (1)(B) shall include such information as is necessary for the warehouse-based third party logistics provider to identify the food.

''(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to exempt a warehouse-based third party logistics provider from the requirements of this Act, including the requirements in this section and section 414; or

''(ii) to exempt a warehouse-based third party logistics provider from being the subject of a mandatory recall order.

''(3) DETERMINATION TO LIMIT AREAS AFFECTED.—If the Secretary requires a responsible party to cease distribution under paragraph (1)(A) of an article of food identified in subsection (a), the Secretary may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) RULE REGARDING ALCOHOLIC BEVERAGES.—The Secretary shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Secretary has provided the Alcohol and Tobacco Tax and Trade Bureau with a reasonable opportunity to cease distribution and recall such article under the Alcohol and Tobacco Tax and Trade Bureau authority.

''(f) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(g) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

''(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

''(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

''(B) that includes, at a minimum—

''(i) the name of the article of food subject to the recall;

''(ii) a description of the risk associated with such article; and

''(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

''(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

''(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in (1).

''(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(i) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this Act or under the Public Health Service Act.

''(j) COORDINATED COMMUNICATION.—

''(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Secretary shall establish an incident command operation or a similar operation within the Department of Health and Human Services that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

''(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a food borne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Department of Health and Human Services to—

''(A) ensure timely and coordinated communication within the Department, including enhanced communication and coordination between different agencies and organizations within the Department;

''(B) ensure timely and coordinated communication from the Department, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

''(C) identify a single point of contact within the Department for public inquiries regarding any actions by the Secretary related to a recall;

''(D) coordinate with Federal, State, local, and tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as identified in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

''(E) conclude operations at such time as the Secretary determines appropriate.

''(3) MULTIPLE RECALLS.—The Secretary may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks necessitating such action by the Department of Health and Human Services.''.

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 423 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 423'' after ''section 402(a)(2)(B)''.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 106, is amended by adding at the end the following:

''(xx) The refusal or failure to follow an order under section 423.''.

(e) GAO REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) identifies State and local agencies with the authority to require the mandatory recall of food, and evaluates use of such authority with regard to frequency, effectiveness, and appropriateness, including consideration of any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant authority to have been an error;

(B) identifies Federal agencies, other than the Department of Health and Human Services, with mandatory recall authority and examines use of that authority with regard to frequency, effectiveness, and appropriateness, including any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant agency to have been an error;

(C) considers models for farmer restitution implemented in other nations in cases of erroneous recalls; and

(D) makes recommendations to the Secretary regarding use of the authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by this section) to protect the public health while seeking to minimize unnecessary economic costs.

(2) EFFECT OF REVIEW.—If the Comptroller General of the United States finds, after the review conducted under paragraph (1), that the mechanisms described in such paragraph do not exist or are inadequate, then, not later than 90 days after the conclusion of such review, the Secretary of Agriculture shall conduct a study of the feasibility of implementing a farmer indemnification program to provide restitution to agricultural producers for losses sustained as a result of a mandatory recall of an agricultural commodity by a Federal or State regulatory agency that is subsequently determined to be in error. The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the use of recall authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and any public health advisories issued by the Secretary that advise against the consumption of an article of food on the ground that the article of food is adulterated and poses an imminent danger to health.

(2) CONTENT.—The report under paragraph (1) shall include, with respect to the report year—

(A) the identity of each article of food that was the subject of a public health advisory described in paragraph (1), an opportunity to cease distribution and recall under subsection (a) of section 423 of the Federal Food, Drug, and Cosmetic Act, or a mandatory recall order under subsection (b) of such section;

(B) the number of responsible parties, as defined in section 417 of the Federal Food, Drug, and Cosmetic Act, formally given the opportunity to cease distribution of an article of food and recall such article, as described in section 423(a) of such Act;

(C) the number of responsible parties described in subparagraph (B) who did not cease distribution of or recall an article of food after given the opportunity to cease distribution or recall under section 423(a) of the Federal Food, Drug, and Cosmetic Act;

(D) the number of recall orders issued under section 423(b) of the Federal Food, Drug, and Cosmetic Act; and

(E) a description of any instances in which there was no testing that confirmed adulteration of an article of food that was the subject of a recall under section 423(b) of the Federal Food, Drug, and Cosmetic Act or a public health advisory described in paragraph (1).

SEC. 207. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest-risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 209. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

(a) IMPROVING TRAINING.—Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

''SEC. 1011. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

''(a) TRAINING.—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

''(1) scientific training;

''(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

''(3) training to achieve advanced product or process specialization in such inspections;

''(4) training that addresses best practices;

''(5) training in administrative process and procedure and integrity issues;

''(6) training in appropriate sampling and laboratory analysis methodology; and

''(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

''(b) PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

''(2) CONTENT.—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

''(3) EFFECT.—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

''(c) EXTENSION SERVICE.—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

''(d) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—In order to improve food safety and reduce the incidence of foodborne illness, the Secretary shall, not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, enter into one or more memoranda of understanding, or enter into other cooperative agreements, with the Secretary of Agriculture to establish a competitive grant program within the National Institute for Food and Agriculture to provide food safety training, education, extension, outreach, and technical assistance to—

''(A) owners and operators of farms;

''(B) small food processors; and

''(C) small fruit and vegetable merchant wholesalers.

''(2) IMPLEMENTATION.—The competitive grant program established under paragraph (1) shall be carried out in accordance with section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such

sums as may be necessary to carry out this section for fiscal years 2011 through 2015.''.

(b) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting after section 404 (7 U.S.C. 7624) the following:

''SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.

''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out the competitive grant program established under section 1011(d) of the Federal Food, Drug, and Cosmetic Act, pursuant to any memoranda of understanding entered into under such section.

''(b) INTEGRATED APPROACH.—The grant program described under subsection (a) shall be carried out under this section in a manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, and conservation and environmental practices.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that target small and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

''(d) PROGRAM COORDINATION.—

''(1) IN GENERAL.—The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

''(2) INTERACTION.—The Secretary shall—

''(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

''(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

''(e) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

''(2) ENCOURAGED FEATURES.—The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this section shall have a term that is not more than 3 years.

''(B) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

''(f) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall be—

''(A) a State cooperative extension service;

''(B) a Federal, State, local, or tribal agency, a nonprofit community-based or non-governmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

''(C) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a foundation maintained by an institution of higher education;

''(D) a collaboration of 2 of more eligible entities described in this subsection; or

''(E) such other appropriate entity, as determined by the Secretary.

''(2) MULTISTATE PARTNERSHIPS.—Grants under this section may be made for projects involving more than 1 State.

''(g) REGIONAL BALANCE.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

''(1) geographic diversity; and

''(2) diversity of types of agricultural production.

''(h) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

''(i) BEST PRACTICES AND MODEL PROGRAMS.—Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

SEC. 210. ENHANCING FOOD SAFETY.

(a) GRANTS TO ENHANCE FOOD SAFETY.—Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

''SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

''(a) IN GENERAL.—The Secretary is authorized to make grants to eligible entities to—

''(1) undertake examinations, inspections, and investigations, and related food safety activities under section 702;

''(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

''(3) build the food safety capacity of the laboratories of such eligible entity, including the detection of zoonotic diseases;

''(4) build the infrastructure and capacity of the food safety programs of such eligible entity to meet the standards as outlined in the grant application; and

''(5) take appropriate action to protect the public health in response to—

''(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

''(B) a recall of food under this Act.

''(b) ELIGIBLE ENTITIES; APPLICATION.—

''(1) IN GENERAL.—In this section, the term 'eligible entity' means an entity—

''(A) that is—

''(i) a State;

''(ii) a locality;

''(iii) a territory;

''(iv) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

''(v) a nonprofit food safety training entity that collaborates with 1 or more institutions of higher education; and

''(B) that submits an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) an assurance that the eligible entity has developed plans to engage in the types of activities described in subsection (a);

''(B) a description of the types of activities to be funded by the grant;

''(C) an itemization of how grant funds received under this section will be expended;

''(D) a description of how grant activities will be monitored; and

''(E) an agreement by the eligible entity to report information required by the Secretary to conduct evaluations under this section.

''(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to an eligible entity that receives a grant under this section only to the extent such entity funds the food safety programs of such entity independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(d) ADDITIONAL AUTHORITY.—The Secretary may—

''(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

''(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

''(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for periods of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

''(f) PROGRESS AND EVALUATION.—

''(1) IN GENERAL.—The Secretary shall measure the status and success of each grant program authorized under the FDA Food Safety Modernization Act (and any amendment made by such Act), including the grant program under this section. A recipient of a grant described in the preceding sentence shall, at the end of each grant year, provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety. To the extent practicable, the Secretary shall take the performance of such a grant recipient into account when determining whether to continue funding for such recipient.

''(2) NO DUPLICATION.—In carrying out paragraph (1), the Secretary shall not duplicate the efforts of the Secretary under other provisions of this Act or the FDA Food Safety Modernization Act that require measurement and review of the activities of grant recipients under either such Act.

''(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

(b) CENTERS OF EXCELLENCE.—Part P of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–5. FOOD SAFETY INTEGRATED CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the working group described in subsection (b)(2), shall designate 5 Integrated Food Safety Centers of Excellence (referred to in this section as the 'Centers of Excellence') to serve as resources for Federal, State, and local public health professionals to respond to foodborne illness outbreaks. The Centers of Excellence shall be headquartered at selected State health departments.

''(b) SELECTION OF CENTERS OF EXCELLENCE.—

''(1) ELIGIBLE ENTITIES.—To be eligible to be designated as a Center of Excellence under subsection (a), an entity shall—

''(A) be a State health department;

''(B) partner with 1 or more institutions of higher education that have demonstrated knowledge, expertise, and meaningful experience with regional or national food production, processing, and distribution, as well as leadership in the laboratory, epidemiological, and environmental detection and investigation of foodborne illness; and

''(C) provide to the Secretary such information, at such time, and in such manner, as the Secretary may require.

''(2) WORKING GROUP.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, including food retailers and food manufacturers, consumer organizations, and academia to make recommendations to the Secretary regarding designations of the Centers of Excellence.

''(3) ADDITIONAL CENTERS OF EXCELLENCE.—The Secretary may designate eligible entities to be regional Food Safety Centers of Excellence, in addition to the 5 Centers designated under subsection (a).

''(c) ACTIVITIES.—Under the leadership of the Director of the Centers for Disease Control and Prevention, each Center of Excellence shall be based out of a selected State health department, which shall provide assistance to other regional, State, and local departments of health through activities that include—

''(1) providing resources, including timely information concerning symptoms and tests, for frontline health professionals interviewing individuals as part of routine surveillance and outbreak investigations;

''(2) providing analysis of the timeliness and effectiveness of foodborne disease surveillance and outbreak response activities;

''(3) providing training for epidemiological and environmental investigation of foodborne illness, including suggestions for streamlining and standardizing the investigation process;

''(4) establishing fellowships, stipends, and scholarships to train future epidemiological and food-safety leaders and to address critical workforce shortages;

''(5) training and coordinating State and local personnel;

''(6) strengthening capacity to participate in existing or new foodborne illness surveillance and environmental assessment information systems; and

''(7) conducting research and outreach activities focused on increasing prevention, communication, and education regarding food safety.

''(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that—

''(1) describes the effectiveness of the Centers of Excellence; and

''(2) provides legislative recommendations or describes additional resources required by the Centers of Excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''(f) NO DUPLICATION OF EFFORT.—In carrying out activities of the Centers of Excellence or other programs under this section, the Secretary shall not duplicate other Federal foodborne illness response efforts.''.

SEC. 211. IMPROVING THE REPORTABLE FOOD REGISTRY.

(a) IN GENERAL.—Section 417 (21 U.S.C. 350f) is amended—

(1) by redesignating subsections (f) through (k) as subsections (i) through (n), respectively; and

(2) by inserting after subsection (e) the following:

''(f) CRITICAL INFORMATION.—Except with respect to fruits and vegetables that are raw agricultural commodities, not more than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary may require a responsible party to submit to the Secretary consumer-oriented information regarding a reportable food, which shall include—

''(1) a description of the article of food as provided in subsection (e)(3);

''(2) as provided in subsection (e)(7), affected product identification codes, such as UPC, SKU, or lot or batch numbers sufficient for the consumer to identify the article of food;

''(3) contact information for the responsible party as provided in subsection (e)(8); and

''(4) any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

''(g) GROCERY STORE NOTIFICATION.—

''(1) ACTION BY SECRETARY.—The Secretary shall—

''(A) prepare the critical information described under subsection (f) for a reportable food as a standardized one-page summary;

''(B) publish such one-page summary on the Internet website of the Food and Drug Administration in a format that can be easily printed by a grocery store for purposes of consumer notification.

''(2) ACTION BY GROCERY STORE.—A notification described under paragraph (1)(B) shall include the date and time such summary was posted on the Internet website of the Food and Drug Administration.

''(h) CONSUMER NOTIFICATION.—

''(1) IN GENERAL.—If a grocery store sold a reportable food that is the subject of the posting and such establishment is part of chain of establishments with 15 or more physical locations, then such establishment shall, not later than 24 hours after a one page summary described in subsection (g) is published, prominently display such summary or the information from such summary via at least one of the methods identified under paragraph (2) and maintain the display for 14 days.

''(2) LIST OF CONSPICUOUS LOCATIONS.—Not more than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop and publish a list of acceptable conspicuous locations and manners, from which grocery stores shall select at least one, for providing the notification required in paragraph (1). Such list shall include—

''(A) posting the notification at or near the register;

''(B) providing the location of the reportable food;

''(C) providing targeted recall information given to customers upon purchase of a food; and

''(D) other such prominent and conspicuous locations and manners utilized by grocery stores as of the date of the enactment of the FDA Food Safety Modernization Act to provide notice of such recalls to consumers as considered appropriate by the Secretary.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 206, is amended by adding at the end the following:

''(yy) The knowing and willful failure to comply with the notification requirement under section 417(h).''.

(c) CONFORMING AMENDMENT.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking ''417(g)'' and inserting ''417(j)''.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Except as provided under subsections (e) and (f), each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or agent of an importer is—

''(A) produced in compliance with the requirements of section 418 or section 419, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER DEFINED.—For purposes of this section, the term 'importer' means, with respect to an article of food—

''(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

''(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a).

''(2) REQUIREMENTS.—The regulations promulgated under paragraph (1)—

''(A) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food in compliance with—

''(i) processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under section 418 or section 419 (taking into consideration variances granted under section 419), as appropriate; and

''(ii) section 402 and section 403(w).

''(B) shall include such other requirements as the Secretary deems necessary and appropriate to verify that food imported into the United States is as safe as food produced and sold within the United States.

''(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Secretary shall, as appropriate, take into account differences among importers and types of imported foods, including based on the level of risk posed by the imported food.

''(4) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) EXEMPTION OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

The exemption under paragraph (3) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(f) ADDITIONAL EXEMPTIONS.—The Secretary, by notice published in the Federal Register, shall establish an exemption from the requirements of this section for articles of food imported in small quantities for research and evaluation purposes or for personal consumption, provided that such foods are not intended for retail sale and are not sold or distributed to the public.

''(g) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 211, is amended by adding at the end the following:

''(zz) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer (as defined in section 805) is in violation of such section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 301, is amended by adding at the end the following:

''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Secretary of Homeland Security—

''(A) to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(B) consistent with section 808, establish a process for the issuance of a facility certification to accompany food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with, such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program established by the Secretary under subsection (a).

''(c) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice and application to the Secretary of such intent at the time and in a manner established by the Secretary.

''(d) ELIGIBILITY.—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described in subsection (a). In reviewing the applications and making determinations on such applications, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The known safety risks of the food to be imported.

''(2) The compliance history of foreign suppliers used by the importer, as appropriate.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards for a designated food.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(e) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(g) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

SEC. 303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(q) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary may require, as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity described in paragraph (3) provide a certification, or such other assurances as the Secretary determines appropriate, that the article of food complies with applicable requirements of this Act. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified facilities that manufacture, process, pack, or hold such food, or in such other form as the Secretary may specify.

''(2) FACTORS TO BE CONSIDERED IN REQUIRING CERTIFICATION.—The Secretary shall base the determination that an article of food is required to have a certification described in paragraph (1) on the risk of the food, including—

''(A) known safety risks associated with the food;

''(B) known food safety risks associated with the country, territory, or region of origin of the food;

''(C) a finding by the Secretary, supported by scientific, risk-based evidence, that—

''(i) the food safety programs, systems, and standards in the country, territory, or region of origin of the food are inadequate to ensure that the article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act; and

''(ii) the certification would assist the Secretary in determining whether to refuse or admit the article of food under subsection (a); and

''(D) information submitted to the Secretary in accordance with the process established in paragraph (7).

''(3) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by the Secretary; or

''(B) such other persons or entities accredited pursuant to section 808 to provide such certification or assurance.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

''(5) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

''(6) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(7) ASSESSMENT OF FOOD SAFETY PROGRAMS, SYSTEMS, AND STANDARDS.—If the Secretary determines that the food safety programs, systems, and standards in a foreign region, country, or territory are inadequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act, the Secretary shall, to the extent practicable, identify such inadequacies and establish a process by which the foreign region, country, or territory may inform the Secretary of improvements made to such food safety program, system, or standard and demonstrate that those controls are adequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 305. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD SAFETY.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory

food safety capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the Secretary of Homeland Security, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and testing and detection techniques.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417).

SEC. 306. INSPECTION OF FOREIGN FOOD FACILITIES.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 302, is amended by inserting at the end the following:

''SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request, to inspect such factory, warehouse, or other establishment. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge does not permit an inspection of a factory, warehouse, or other establishment during the 24-hour period after such request is submitted, or after such other time period, as agreed upon by the Secretary and the foreign factory, warehouse, or other establishment.''.

(b) INSPECTION BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or facility of an exporter from which seafood imported into the United States originates. The inspectors shall assess practices and processes used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to such activities.

(2) INSPECTION REPORT.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Secretary of Commerce, shall—

(i) prepare an inspection report for each inspection conducted under paragraph (1);

(ii) provide the report to the country or exporter that is the subject of the report; and

(iii) provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings of the report to the Secretary of Health and Human Services.

(B) DISTRIBUTION AND USE OF REPORT.—The Secretary of Health and Human Services shall consider the inspection reports described in subparagraph (A) in distributing inspection resources under section 421 of the Federal Food, Drug, and Cosmetic Act, as added by section 201.

SEC. 307. ACCREDITATION OF THIRD-PARTY AUDITORS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 306, is amended by adding at the end the following:

''SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.

''(a) DEFINITIONS.—In this section:

''(1) AUDIT AGENT.—The term 'audit agent' means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct food safety audits on behalf of an accredited third-party auditor.

''(2) ACCREDITATION BODY.—The term 'accreditation body' means an authority that performs accreditation of third-party auditors.

''(3) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, agency of a foreign government, foreign cooperative, or any other third party, as the Secretary determines appropriate in accordance with the model standards described in subsection (b)(2), that is eligible to be considered for accreditation to conduct food safety audits to certify that eligible entities meet the applicable requirements of this section. A third-party auditor may be a single individual. A third-party auditor may employ or use audit agents to help conduct consultative and regulatory audits.

''(4) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor accredited by an accreditation body to conduct audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section. An accredited third-party auditor may be an individual who conducts food safety audits to certify that eligible entities meet the applicable requirements of this section.

''(5) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

''(B) the results of which are for internal purposes only.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

''(7) REGULATORY AUDIT.—The term 'regulatory audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act; and

''(B) the results of which determine—

''(i) whether an article of food manufactured, processed, packed, or held by such entity is eligible to receive a food certification under section 801(q); or

''(ii) whether a facility is eligible to receive a facility certification under section 806(a) for purposes of participating in the program under section 806.

''(b) ACCREDITATION SYSTEM.—

''(1) ACCREDITATION BODIES.—

''(A) RECOGNITION OF ACCREDITATION BODIES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to certify that eligible entities meet the applicable requirements of this section.

''(ii) DIRECT ACCREDITATION.—If, by the date that is 2 years after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

''(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors accredited by such body and the audit agents of such auditors.

''(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(D) REINSTATEMENT.—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

''(2) MODEL ACCREDITATION STANDARDS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop model standards, including requirements for regulatory audit reports, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

''(c) THIRD-PARTY AUDITORS.—

''(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.—

''(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or foods certified by such government or agency meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

''(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary, including requirements under the model standards developed

under subsection (b)(2), to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity or food meets the requirements of this Act.

''(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES OR FOODS.—

''(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic food certification, described in section 801(q), or facility certification under section 806(a), as appropriate, to accompany each food shipment for import into the United States from an eligible entity, subject to requirements set forth by the Secretary. Such written or electronic certification may be included with other documentation regarding such food shipment. The Secretary shall consider certifications under section 801(q) and participation in the voluntary qualified importer program described in section 806 when targeting inspection resources under section 421.

''(B) PURPOSE OF CERTIFICATION.—The Secretary shall use certification provided by accredited third-party auditors to—

''(i) determine, in conjunction with any other assurances the Secretary may require under section 801(q), whether a food satisfies the requirements of such section; and

''(ii) determine whether a facility is eligible to be a facility from which food may be offered for import under the voluntary qualified importer program under section 806.

''(C) REQUIREMENTS FOR ISSUING CERTIFICATION.—

''(i) IN GENERAL.—An accredited third-party auditor shall issue a food certification under section 801(q) or a facility certification described under subparagraph (B) only after conducting a regulatory audit and such other activities that may be necessary to establish compliance with the requirements of such sections.

''(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a facility certification under section 806(a). Only those parties described in 801(q)(3) or the Secretary may provide a food certification under 301(g).

''(3) AUDIT REPORT SUBMISSION REQUIREMENTS.—

''(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, not later than 45 days after conducting an audit, an accredited third-party auditor or audit agent of such auditor shall prepare, and, in the case of a regulatory audit, submit, the audit report for each audit conducted, in a form and manner designated by the Secretary, which shall include—

''(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(ii) the dates of the audit;

''(iii) the scope of the audit; and

''(iv) any other information required by the Secretary that relates to or may influence an assessment of compliance with this Act.

''(B) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent of such auditor. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

''(C) LIMITATION.—The requirement under subparagraph (B) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor, except that the Secretary may access the results of a consultative audit in accordance with section 414.

''(4) REQUIREMENTS OF ACCREDITED THIRD-PARTY AUDITORS AND AUDIT AGENTS OF SUCH AUDITORS.—

''(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited third-party auditor or audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

''(i) the identification of the eligible entity subject to the audit; and

''(ii) such condition.

''(B) TYPES OF AUDITS.—An accredited third-party auditor or audit agent of such auditor may perform consultative and regulatory audits of eligible entities.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—An accredited third party auditor may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 13-month period.

''(ii) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region.

''(5) CONFLICTS OF INTEREST.—

''(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

''(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

''(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(B) AUDIT AGENTS.—An audit agent shall—

''(i) not own or operate an eligible entity to be audited by such agent;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

''(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to implement this section and to ensure that there are protections against conflicts of interest between an accredited third-party auditor and the eligible entity to be certified by such auditor or audited by such audit agent. Such regulations shall include—

''(i) requiring that audits performed under this section be unannounced;

''(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

''(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be certified by such auditor, as described in subparagraphs (A) and (B).

''(6) WITHDRAWAL OF ACCREDITATION.—

''(A) IN GENERAL.—The Secretary shall withdraw accreditation from an accredited third-party auditor—

''(i) if food certified under section 801(q) or from a facility certified under paragraph (2)(B) by such third-party auditor is linked to an outbreak of foodborne illness that has a reasonable probability of causing serious adverse health consequences or death in humans or animals;

''(ii) following an evaluation and finding by the Secretary that the third-party auditor no longer meets the requirements for accreditation; or

''(iii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(B) ADDITIONAL BASIS FOR WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked, if the Secretary determines that there is good cause for the withdrawal.

''(C) EXCEPTION.—The Secretary may waive the application of subparagraph (A)(i) if the Secretary—

''(i) conducts an investigation of the material facts related to the outbreak of human or animal illness; and

''(ii) reviews the steps or actions taken by the third party auditor to justify the certification and determines that the accredited third-party auditor satisfied the requirements under section 801(q) of certifying the food, or the requirements under paragraph (2)(B) of certifying the entity.

''(7) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been withdrawn under paragraph (6)—

''(A) if the Secretary determines, based on evidence presented, that the third-party auditor satisfies the requirements of this section and adequate grounds for revocation no longer exist; and

''(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked—

''(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (6)(A), through direct accreditation under subsection (b)(1)(A)(ii) or by an accreditation body in good standing; or

''(ii) under such conditions as the Secretary may require for a third-party auditor under paragraph (6)(B).

''(8) NEUTRALIZING COSTS.—The Secretary shall establish by regulation a reimbursement (user fee) program, similar to the method described in section 203(h) of the Agriculture Marketing Act of 1946, by which the Secretary assesses fees and requires accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

''(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An eligible entity shall apply for annual recertification by an accredited third-party auditor if such entity—

''(1) intends to participate in voluntary qualified importer program under section 806; or

''(2) is required to provide to the Secretary a certification under section 801(q) for any food from such entity.

''(e) FALSE STATEMENTS.—Any statement or representation made—

''(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

''(2) by an accredited third-party auditor to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

''(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

''(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

''(2) periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

''(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

''(4) take any other measures deemed necessary by the Secretary.

''(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies and auditors.

''(h) LIMITATIONS.—

''(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

SEC. 308. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State, the Secretary of Homeland Security, and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 309. SMUGGLED FOOD.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall, in coordination with the Secretary of Homeland Security, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) NOTIFICATION TO HOMELAND SECURITY.—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) PUBLIC NOTIFICATION.—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) EFFECT OF SECTION.—Nothing in this section shall affect the authority of the Secretary to issue public notifications under other circumstances.

(e) DEFINITION.—In this subsection, the term ''smuggled food'' means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration such sums as may be necessary for fiscal years 2011 through 2015.

(b) INCREASED NUMBER OF FIELD STAFF.—

(1) IN GENERAL.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 4,000 staff members in fiscal year 2011;

(B) 4,200 staff members in fiscal year 2012;

(C) 4,600 staff members in fiscal year 2013; and

(D) 5,000 staff members in fiscal year 2014.

(2) FIELD STAFF FOR FOOD DEFENSE.—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 309) from commerce.

SEC. 402. EMPLOYEE PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 209, is further amended by adding at the end the following:

''SEC. 1012. EMPLOYEE PROTECTIONS.

''(a) IN GENERAL.—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

''(b) PROCESS.—

''(1) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the 'Secretary') alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(C) DISMISSAL OF COMPLAINT.—

''(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a

final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

''(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) ACTION IN COURT.—

''(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

''(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(ii) the amount of back pay, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(5) REVIEW.—

''(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

''(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) EFFECT OF SECTION.—

''(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.''.

SEC. 403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding voluntary inspection of non-amenable species under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act;

(4) alter or limit the authority of the Secretary of Agriculture under the laws administered by such Secretary, including—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(C) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(D) the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

(F) the United States Warehouse Act (7 U.S.C. 241 et seq.);

(G) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); and

(H) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with the amendments made by the Agricultural Marketing Agreement Act of 1937; or

(5) alter, impede, or affect the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or any other statute, including any authority related to securing the borders of the United States, managing ports of entry, or agricultural import and entry inspection activities.

SEC. 404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 405. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Amend the title so as to read: ''An Act to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DINGELL moves that the House concur in the Senate amendments to H.R. 2751.

The SPEAKER pro tempore. Pursuant to House Resolution 1781, the motion shall be debatable for 1 hour equally divided and controlled by the chair and the ranking minority member of the Committee on Energy and Commerce.

The gentleman from Michigan (Mr. DINGELL) and the gentleman from Pennsylvania (Mr. PITTS) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous matter into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I now yield 4 minutes to the gentleman from California (Mr. WAXMAN), the distinguished chairman of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Speaker, I appreciate the gentleman from Michigan (Mr. DINGELL) yielding to me. And I want to commend you, Representative DELAURO, Congressmen PALLONE and STUPAK, Mr. BARTON and Mr. SHIMKUS, and former Representative Deal for the work on this legislation.

For a third time, today the House considers legislation that will dramatically improve the safety of our Nation's food supply. The House first passed its bill in July 2009 on a strong bipartisan vote with 283 supporters. On November 30 of this year, the Senate passed the FDA Food Safety Modernization Act on a strong bipartisan basis, by a vote of 73–25. That bill contained some constitutional defects that needed to be fixed. So on Sunday night, the Senate again passed a corrected version of the bill by voice vote.

Congress has demonstrated that food safety is a bipartisan issue. Food-borne illness outbreaks can strike each and every one of us. In recent years, foods we never would have imagined to be unsafe, everything from spinach to peanut butter, have sickened an untold number of Americans. It is time, once and for all, to enact this legislation. There is no time for any further delay.

FDA needs a modern set of authorities to deal with the effects of our increasingly globalized food supply. This legislation will give FDA the tools and resources it needs to better police the safety of the foods we eat every day. The bill makes significant improvements throughout the food chain, from the farm to the dinner table. The bill will require farmers to comply with science-based standards for safe production and harvesting. Companies that process or package foods will be required to implement preventive systems to stop outbreaks before they occur. Importers will have to demonstrate that the food they bring into the country is safe. And the bill strengthens FDA enforcement authorities, giving FDA the ability to order a food recall when companies refuse to voluntarily do so.

Many of us in the House would agree that our bill was stronger. We also would likely agree that it is regrettable that there was not time for a conference to allow us to make some improvements in the Senate bill. But this is an opportunity that will not come again for a long time. There is no question that this is a good bill and that it will provide FDA with some critical new authorities. It will fundamentally shift our food safety oversight system to one that is preventive in nature as opposed to reactive. We simply must take this chance to make our food supply safer. I urge my colleagues to vote ''yes'' on H.R. 2751.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

At the Energy and Commerce Committee, food safety has been a bipartisan priority. We have held numerous hearings during the last two Congresses, examining food safety problems involving peppers and peanut butter and what we can do to solve those problems. During those hearings, we have heard about how much work our Nation's farmers, manufacturers, and distributors do to put low-cost, high-quality food on the tables of more than 300 million people every day. We also have heard about how much our Nation's children and our Nation's farmers and small businesses can be hurt when one irresponsible actor sells adulterated, contaminated food.

Thanks to helpful testimony from hearing witnesses and hard work by our committee members, we were able to come up with some good ideas to help solve those food safety problems. Those ideas were found in the Food Safety Enhancement Act, which passed the House in July of 2009 and represented the bipartisan work of Chairman WAXMAN, Chairman Emeritus DINGELL, Chairman PALLONE, Chairman STUPAK, Governor-Elect Deal, and Ranking Member SHIMKUS.

The Food Safety Enhancement Act passed more than 16 months ago. The Senate finally passed its food safety bill, the Food Safety Modernization Act, Senate 510, during the lame duck session. The provisions of Senate 510 are contained in the bill that we are considering today with no substantive changes from what passed the Senate 3 weeks ago.

I intend to vote against this bill because it represents such a gross departure from reasonable legislating. When the Senate passed its food safety bill 3 weeks ago, we asked our majority to take the bill to conference. Instead, we were forced to vote on the Senate bill with no substantive changes as part of the continuing resolution 2 weeks ago.

During the 111th Congress, we have learned a great deal about how not to do things, and this bill presents us with another example. Instead of just taking up the Senate bill, we should have held a conference. We've been told we couldn't do that because there wasn't enough time. Well, instead of naming post offices, we should have rolled up our sleeves and gotten to work on negotiating. And now, 3 weeks and many post offices later, the majority says we have to take it or leave it.

□ 1530

One provision that raises questions is the so-called Tester amendment that was added to the Senate food safety bill. This provision will provide exemptions from food safety requirements based on a facility's or a farm's size. While we do not want to overly burden small facilities and small farms, we've learned in our committee hearings that food-borne pathogens don't care if you're a big facility or a small facility, a big farm or a small farm. They affect everyone.

A food safety issue in one facility or one farm can cause hundreds of illnesses and hundreds of millions of dollars in economic losses for farmers and small businesses. By allowing facilities exemptions from food safety requirements, we're setting our Nation up for the potential of future outbreaks. Our system is only as strong as its weakest link, and the Tester amendment will set up a system full of weak links.

This is just one example of the potential problems with this bill. These are problems we could have addressed through a conference, but, instead, we wasted 3 weeks and are being told, take it or leave it.

I urge my colleagues to vote ''no'' on this legislation so we can do it the right way in the next Congress.

I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Chairman Dingell, I want to thank you for all the hard work you have put in on this bill, and also Chairman WAXMAN. We worked on a bipartisan basis.

I rise today in strong support of the Food Safety Modernization Act. After 2 years of hard work, we're finally on the cusp of enacting landmark comprehensive food safety legislation.

The modernization of our food safety system is desperately needed. The current food regulatory regime was established in 1938 and hasn't been overhauled in 70 years. Since this time, the U.S. food supply has evolved into a global network made up of foreign products, processors, and growers over whom the U.S. has little or no control. Think about what a different world it was in 1938. That alone should be reason enough to update our food safety laws today.

Every time we have a food safety crisis, be it eggs or spinach or peppers or peanuts, we shake our heads at the vulnerability of our food supply and bemoan the fact that we don't have the tools to protect it. And these aren't isolated instances. Each year, 48 million Americans are sickened from consuming contaminated food, and as many as 3,000 to 5,000 of these people die.

The Food Safety Modernization Act will give the FDA the ability, the authority, and the resources to protect American consumers from contaminated food domestically and abroad. FDA will now better ensure food safety through more frequent inspections of food processing facilities, the development of a food trace-back system to pinpoint the source of food-borne illnesses, and enhanced powers to ensure that imported foods are safe. Perhaps most notably, the bill emphasizes prevention and safety that helps ensure that food is safe before it's distributed, before it reaches store shelves, before it reaches the kitchens of American families.

We have the most productive and most efficient food distribution system in the world, but we need to make sure that we have the safest food supply. American families need to know the food they select from grocery stores and the meals they put on their kitchen tables are safe.

Now, I'll say the bill before us isn't perfect, but it is a good bill, and it's backed by a diverse coalition that includes food producers, grocery manufacturers, and consumers. It has strong bipartisan support. Last year, the

House passed its version by a vote of 283–142. The Senate passed a bill nearly identical to the one before us today by a vote of 73–25. And this is an overwhelming show of support for legislation which will significantly protect the public health.

I'm proud we're passing this bill one more time. Today, of course, it will go to the President for his signature. He has said he would sign it. And I urge my colleagues to support this landmark legislation.

Mr. PITTS. Mr. Speaker, I yield 4 minutes to the ranking member on Agriculture, Representative LUCAS from Oklahoma.

(Mr. LUCAS asked and was given permission to revise and extend his remarks.)

Mr. LUCAS. Mr. Speaker, I rise again in opposition to H.R. 2751, originally dealing with the Cash for Clunkers and now containing the Senate language S. 510, the Food Safety and Modernization Act.

As I've stated repeatedly, I believe our Nation has the safest food supply in the world. I also believe that we must continually examine our food production and regulatory system and move forward with changes that will improve food safety.

This legislation is the product of a flawed process. It will lead to huge regulatory burdens on our Nation's farmers and ranchers. It will raise the cost of food for our consumers, and it contains very little that will actually contribute to the goal of food safety. It gives the Food and Drug Administration lots of additional authorities with no accountability. In fact, with the inclusion of the so-called Tester amendment, some argue that it is a step backwards.

Now, my concerns about the legislation are not limited to the unforgivable process. There are serious public policy concerns as well. The Tester amendment is an illustrative example. Intended to shield small and local producers from the burdens of the new food safety law, it is opposed by virtually all of the major organizations representing farmers and ranchers. Normally, these groups would be expected to support a provision that sought to protect their farmers and ranchers. But they oppose the Tester amendment and any legislation that contains it because it adds to the layers of food safety regulation by creating yet another tier of regulatory standards that will only confuse our consumers.

Further, by exempting small domestic companies from Federal standards, I fear, and this is a legitimate fear, that we will be required to exempt similarly sized companies in developing countries from our standards. This approach does not make food safer. It eliminates important consumer protection and puts our citizens at increased risk.

With respect to the Tester amendment, I question the value of any law that is so onerous to an industry that Senators believe segments of that industry should be excluded from it. It would be wise to reconsider the entire legislative approach.

Now, there are other problems as well in the bill. New regulation authority for food processing facilities will create what amounts to a Federal license to be in the food business. Registration of food processing facilities was originally envisioned as a commonsense way to help FDA identify facilities under the Bioterrorism Act of 2002. This bill turns it into a license to operate, making it unlawful to sell food without a registration license, and allowing FDA to suspend the company's registration. This is the type of government intrusion into commerce that Americans rejected in early November of this year.

Another provision of particular concern would mandate the Food and Drug Administration to set on-farm production performance standards. For the first time, we'd have the Federal Government prescribing how our farmers grow crops. Farming, the growing of crops and the raising of livestock, is the first organized activity pursued by man. We've been doing it for a long time, and we've been doing it without the FDA on the farm.

The vast majority of these provisions, along with the recordkeeping requirements, traceability, mandatory recall authority, will do absolutely nothing to prevent food-borne disease outbreaks from occurring but will do plenty, do plenty, to keep Federal bureaucrats busy. And these are all the sorts of things that could be worked out through the normal legislative process, but only if there's a process.

Mr. Speaker, let me return to where I started. We have the safest food supply in the world. Anyone who follows current events knows that our food production system faces ongoing food safety challenges, and I stand ready to work with my colleagues, all of my colleagues, to address those challenges.

Our Nation's farmers, ranchers, packers, processors, retailers, and consumers deserve better.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. STUPAK), who has been the chairman of our Oversight and Investigation Subcommittee, who's done the wonderful investigative work that has brought us to where we are in exposing the dangers to our food supply by imports and other things, with my commendations and good wishes.

□ 1540

Mr. STUPAK. I thank the gentleman for yielding and for the kind words. As I wrap up my 18 years in the U.S. House of Representatives, this is a good bill in which to wrap up a career. I first introduced food safety legislation along with Mr. DINGELL and Mr. PALLONE and now-Senator BROWNBACK in 1997. For 14 years we have been fighting to try to update our Nation's food safety laws.

And then as chair of Oversight and Investigations, we have held over 13 hearings on food-borne illnesses from spinach, peanut butter, jalapenos, and most recently tainted eggs. Why was all this necessary? As has been noted, our food laws have not been updated since 1938. And we know more and more of our foods are coming from different sources and different countries. But this year and each year approximately 77 million Americans become ill because of food-borne illnesses, 325,000 are hospitalized, and up to 5,000 Americans will die, some of our most vulnerable Americans, such as children and senior citizens, those whose immune systems have been weakened or are not fully developed.

But if you are a young child and you do survive, what kind of life do you have after you have spent time in a hospital getting a new kidney? You face a lifetime of medication and bankruptcy of your family. We must act now to pass this food safety bill. This bill contains many good provisions, including the trace-back provision, which is designed to make it easier to prevent and respond to outbreaks in food-borne illnesses.

This also has mandatory recall. Most Americans are shocked to know that the FDA does not have the right to recall food or unsafe drugs in this country. They do not have the right to have that recall, especially on food. So this will now make it mandatory. The FDA can remove tainted food as soon as possible. Still, despite all these improvements, more has to be done to protect Americans.

The FDA needs subpoena power. It is probably one of the few regulatory agencies that doesn't have subpoena power. We lost that when it went to the Senate. But if you are going to trace back, if you are going to get the records, if you are going to find where the food comes from, let's give the regulatory agency the power they need. Because corporate America unfortunately too often hides their records from us.

We need an adequate funding source. For this legislation to be successful, we have to have an adequate funding source, as we had in the House but was removed in the Senate. And country of origin label. More and more of our food, especially this time of the year in the winter months, comes from other countries. We need to know exactly where those sources of food come from. So I urge the next Congress to make these improvements.

And a word of caution. Without this bill and greater improvements to this bill, we cannot fully protect Americans from food-borne illnesses, either accidentally or those intentionally put forth by America's enemies. And make no mistake about it, our enemies will exploit our weak regulatory system when they know they can harm so many Americans through food-borne illnesses.

So I hope my colleagues today will join me in supporting this legislation.

It's a great piece of legislation. I would like to thank my colleagues who have worked so hard on this over the years with me, including Ms. DELAURO of Connecticut, but especially the members of the Energy and Commerce Committee who have worked with us, especially Chairman DINGELL, Chairman WAXMAN, Mr. PALLONE, Mr. UPTON, and Mr. BARTON.

Mr. PITTS. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), the chairman of the Agriculture Appropriations Subcommittee, and very much interested in the matter before us. She has worked on it a long time.

Ms. DELAURO. Mr. Speaker, I rise today in support of this bill as a good and a necessary first step in reforming our food safety system and better protecting our families from food-borne illness. And I want to congratulate some of the longtime champions of food safety in this institution, such as Chairman HENRY WAXMAN, Chairman JOHN DINGELL, Subcommittee Chairman FRANK Pallone, Mr. BART STUPAK. And I say congratulations to them for successfully bringing this legislation through the House. I also want to acknowledge Senator HARKIN and Senator DURBIN for their work in facilitating passage of this bill in the Senate.

Among the critical reforms in this bill are increased inspection of high-risk facilities, expanded authority to inspect recall records, the formation of a more accurate food facility registry, improved traceability in the event of an illness outbreak, and improved surveillance of food-borne illness. The bill also requires certification of certain foreign food imports as meeting U.S. food safety requirements.

All of these tools will help improve the FDA's ability to respond to food-borne illness outbreaks and to hold industrial food production facilities to higher standards. For too long the cornerstone of our food safety system, the FDA, has had only ancient tools and an outdated mandate at its disposal. This bill will go a long way towards stemming the potential of a full-blown food-borne epidemic in the future. Recently, the CDC released an updated estimate on food-borne illness figures, and it remains a major public interest health threat. With nearly 50 million illnesses, 100,000 hospitalizations, and over 3,000 deaths each year, these estimates show that there is much work to be done in identifying and combating the pathogens that cause food-borne illness.

Just to tell you the importance of this bill, let me share with you the story of Haylee Berstein, a 17-year old girl who lives in Wilton, Connecticut. When Haylee was 3 years old, she ate unwashed lettuce that was contaminated with E. coli. She soon became extremely ill with what doctors called hemolytic uretic syndrome. The health effects of an E. coli illness are very painful. Haylee experienced traumatic damage to her kidneys and pancreas. She suffered severe bleeding in her brain. And that blood in her brain caused her to be temporarily blind. The doctors at Yale-New Haven Children's Hospital fought for 14 weeks to save her life. And to this day, Haylee still suffers from health problems such as diabetes, all because of food contaminated with E. coli. This should not happen to anyone. And as we know in this body, it can be prevented.

With all of this in mind, our food safety efforts should not, and will not, end today. Because this piece of legislation is not about roads and bridges and parks and other things that we do in this institution. This legislation is about life and death. While the FDA is charged with protecting a large majority of our food supply, the Food Safety and Inspection Service, FSIS at USDA, is responsible for ensuring the safety of meat and poultry products. After passing this bill today, we must begin to lay the foundation for science-based reform at FSIS as well. That is why I worked on language that would create a science-based panel, supported by a wide range of stakeholders, to analyze the food safety system at FSIS and develop the concept of what a modernized system would look like there.

This collaborative proposal is supported by the pertinent industries, consumer groups, and unions. I should emphasize that this plan would not interfere with the good work currently being done by Under Secretary Elisabeth Hagen at FSIS. And I look forward to working with all of my colleagues in the next Congress to move this proposal forward.

Ultimately, I believe, as do leaders across the aisle, that we must establish a single food safety agency. Currently, food safety responsibilities are fragmented across 15 Federal agencies and are governed by 71 interagency agreements. Food safety and public health experts, as well as the Government Accountability Office, have concluded that this fragmentation has created redundancies that have weakened our food safety response. We need to consolidate all of these food safety functions under one roof. This will provide an updated regulatory structure and strengthen oversight and surveillance activities to better protect our food supply.

I will continue to fight for this single agency. I believe it is needed to ensure that the food in our fridges and on our kitchen tables is safe. Nonetheless, the legislation we must pass today is a strong first step toward a safer food supply and reducing the number of preventable food-borne illnesses and deaths. I urge my colleagues to face this public health threat and to pass food safety legislation. Every parent who goes in to buy food needs to know that they are taking it home and it's safe for their children.

Mr. PITTS. I continue to reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes again to my good friend, the chairman of the Committee on Energy and Commerce, Mr. WAXMAN, for purposes of correcting the record on certain erroneous statements made.

Mr. WAXMAN. Mr. Speaker and my colleagues, the Senate only passed this bill a couple of nights ago. And so we have now the opportunity to vote to take it or reject it. Some on the other side of the aisle, Republicans, are saying we should reject the whole bill because of the Tester amendment, which exempts small farmer-producers and facilities. We didn't have that in our bill, and I would have preferred that the Senate had not adopted that provision. But I don't think it is a reason to vote against this whole bill.

This bill is a good bill. It is supported by the Consumer Federation of America, the Consumers Union, the National Consumers League, the Trust for America's Health, the American Public Health Association. And it's supported by major industry groups, the Food Marketing Institute, the Grocery Manufacturers Association, and the U.S. Chamber of Commerce.

Now, I would assume that some big operations don't like the fact that small ones are going to be exempt. They are only exempt from a couple of the provisions which Senator TESTER and the Senate Members thought were too burdensome. And some of these small operations are limited in their income, and therefore it might be too burdensome for them.

□ 1550

Republicans have suggested we should have gone to conference. If we had gone to conference, only one Senator could object and no conferees would be appointed by the Senate. So that burden we are being asked to have achieved is something we could not achieve in the short time available to us.

Let us not let this opportunity go by. We must adopt this legislation. If there are efforts to change it later on, fine. But this is an important bill that has been worked on for years. It had strong bipartisan support in the House. It had overwhelming bipartisan support in the Senate. And I want to clarify the record to point out that almost all the groups, the consumer groups and the industry groups, are urging an ''aye'' vote.

Mr. PITTS. I continue to reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I have only one further speaker on this side, so I suggest to my good friend from Pennsylvania, if he desires to speak, he should speak forthwith.

Mr. PITTS. I have no further requests for time, and I yield back the balance of my time.

Mr. DINGELL. The gentleman is a complete gentleman. I don't want to deny him any opportunity to be heard. I want to thank the gentleman. He is always courteous. I express my gratitude to him for the way he behaves.

I yield myself 5 minutes, Mr. Speaker.

Mr. Speaker, this is not the first time we have seen this bill. It came out of the Committee on Energy and Commerce unanimously. It was informally referred to the Committee on Agriculture, where they had a chance to take a look at it. It passed the House overwhelmingly on two occasions in a slightly different form. It then came back here and it was passed yet another time with the changes virtually to make it identical to that form in which it is. Those changes have been removed in some regards because they were mostly simply technical changes. So it has passed this body three times before this. This is the fourth time we have considered it. The Senate has passed it twice. On Sunday night, they passed it under a unanimous consent procedure.

The bill has enormous support, and all of the consumer organizations support it. Almost every business group in the field of food manufacturing and processing supports it: The Grocery Manufacturers Association, the National Association of Manufacturers, the Chamber of Commerce, the Consumer Federation of America, the American Public Health Association, the Bakers Association, the Beverage Association, the American Public Health Association, Pew Charitable Trust, the U.S. PIRG, and also the Food Marketing Institute as well as the Center for Science in the Public Interest. There is literally little, if any, opposition to the consideration of this legislation.

The Senate took from last summer when the House passed the bill until just a few weeks ago to pass the bill over there. It only passed for the final time on Sunday night. I want to agree with my good friend from Pennsylvania; the House's skill as a legislative body is far superior to that of the other body, and if they would leave the legislation alone, I think I could assure the House that we would pass better legislation than they do over there.

But having said these things, we are about now to be forced at the last minutes of this session to choose between not passing a superb bill and passing no bill at all because we want to achieve a greater level of perfection.

This is the first significant change in food and drug law with regard to foods since 1938. At that time, you could test foods down to a few parts per thousand. Today, you can do it down to parts per billion and parts per trillion, and food is being affected by huge numbers of new, incredibly complex known and unknown molecules that are inserted.

The bill before us serves a basic and necessary and admirable purpose. It is going to have the purpose of seeing to it that the American consumer can again have confidence in the safety of their food supply.

Our manufacturers, our growers, and our processors do the best job in the world. The problem is we now import something like about one-quarter to one-third of our food supplies, and those food supplies are coming from places like China. And we have had some scandals of the most appalling character with regard to both domestic and imported food, but mostly with regard to imported food: bad seafood and shellfish from China, unsafe leafy vegetables like spinach and celery from China, bad berries and fruit from Chile and other places like that, peppers from Mexico that got mixed in with salsa and caused the collapse of the American tomato industry.

These are things that will be corrected by us having people available in Food and Drug to properly investigate, to properly correct and properly see to it that these unsafe foods don't get into our food chain, with the consequences not only that they poison Americans, but, worse, that they destroy American industry and cost us the faith of the American consuming public for some of the best manufacturers and processors in the world. The Chinese put melamine in milk. They sent us all manner of dangerous and unsafe food.

Now we are giving the agency, Food and Drug, the authority it needs. This does not invade the jurisdiction of the Agriculture Committee. It was very carefully kept to see to it that it stayed within the jurisdiction of the Commerce Committee.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. DINGELL. I yield myself 2 additional minutes.

It creates a new focus on prevention, and it shares responsibility between FDA and the food manufacturers so that they can cooperatively work to keep the food supply safe, working together.

It also is going to require manufacturers to implement preventive systems to stop outbreaks before they occur, and it is going to allow our Food and Drug Administration, for the first time in history, to police and to protect the entry into this country of foods coming from abroad, where most of the peril to our American consumers lie.

It also is going to allow our investigators and Food and Drug people to see to it, and this is a word of art, that the American law with regard to good manufacturing practices is carried forward in those other lands so that bad food cannot originate elsewhere and then come in to the United States because of shoddy manufacturing practices.

It gives Food and Drug power to ensure that foreign importers meet U.S. standards, and it will assure that foreign growers and producers will be treated with the same care and attention that American growers and producers are so our growers and producers can know that they are facing an even and level playing field. It gives FDA new enforcement tools, mandatory recall authority, authority to detain tainted products, and protections for employees who serve as whistleblowers.

This legislation is long overdue. It will address a situation which is shameful.

Today, according to the latest statistics, 48 million Americans are sickened by bad food, some 128,000 are hospitalized, and 3,000 are killed yearly. We can dawdle around and let the House and the Senate wait until next year to perhaps pass a different bill. Whether it will be better or not is open to question.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DINGELL. I yield myself 1 additional minute.

Whether it will be better is open to question. But I will tell my colleagues, during that time there are going to be Americans sickened, there are going to be Americans killed, and there are going to be Americans hospitalized. American manufacturers and processors and growers are going to have the quality of their food products impinged, not by their carelessness or bad behavior but, rather, by the misbehavior of foreign producers, foreign manufacturers, and others who are sending things in here like milk products with melamine. Melamine is a constituent, believe it or not, of Formica.

□ 1600

It kills people. It kills babies. And China sells these products to their own people. If they will kill their own people with that kind of trash, imagine the glee with which they will sell that kind of trash over here to threaten the well-being and the safety and the trust of American consumers, businessmen, manufacturers, producers, and growers.

I beg you, the safety of your constituents, of our people, is at stake. And I hope you will work with me to pass this legislation so that we can make our consumers not only trust the system but also to know that it is going to work to protect them.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DINGELL. I yield myself 1 additional minute.

I hope if there's enthusiasm for doing further work on this, that my colleagues will join me next year in doing the same thing with regard to pharmaceuticals. And I remind you that the committee has worked not in opposition to American industry, but rather the committee has worked with American industry, which supports the legislation.

Would it be better if we were passing the House bill? Absolutely. Is it worse and weaker because we're passing the Senate bill? Of course. But having said that, you're making Americans safe in spite of the fact that the U.S. Senate has to take a ride with this legislation

to, quite frankly, the weakening of this legislation.

I want to commend my colleagues who have participated: Mr. WAXMAN, Mr. PALLONE, Mr. STUPAK, Ms. DEGETTE, and Ms. DELAURO. And I want to commend the staff: Katie Campbell, whose last day this is; Virgil Miller; Rachael Sher; Eric Flamm; and Emily Gibbons, who have made this possible. Our legislative counsel has labored vitally on it, and we owe real thanks to Warren Burke and Megan Renfrew.

I want to commend my Republican colleagues. I know that they're not supporting this legislation, and I grieve about that. But the harsh fact of the matter is they were very helpful in doing this in times past. And I want to pay particular tribute to Mr. SHIMKUS, Mr. Deal, and Mr. BARTON, but I do want it known that were it not for the labor of three great men in the other body, we would not be where we are. Senator HARKIN, Senator DURBIN, and Senator REID have contributed vitally to the success which we've had in making the American consuming public safe. And I hope that the people will understand we have served them well.

I urge my colleagues to vote for this bill, secure in the knowledge that you're protecting Americans and you're saving the lives and the health and the well-being of the American people by passing H.R. 2751.

I rise today in strong support of the FDA Food Safety Modernization Act and I urge my colleagues to vote in favor of this legislation with deliberate speed.

Mr. Speaker, consideration of this bill today is what I hope will be the final step of a long legislative journey. My colleagues in this body passed similar legislation last July. Some 17 months later, we are working on the same issue.

The legislative fits and starts is in no way a reflection of the policy, however, the legislation has been the hostage of political games and procedural missteps. The FDA Food Safety Modernization Act serves a necessary and admirable purpose—it will go a long way in boosting American consumer confidence in the safety of the nation's food supply. The many recalls that have confronted American consumers over the years—peanuts, melamine in milk, eggs, bad seafood and shellfish, unsafe leafy vegetables like spinach, bad berries and peppers—has called into question the ability of the government to adequately protect American consumers. The FDA Food Safety Modernization Act addresses this concern head on and grants the Food and Drug Administration—the Agency with oversight of 80 percent of the nation's food supply—the authorities and resources it needs to effectively do its job.

Among other things, the legislation will:

Create a new focus on prevention, and a shared responsibility between FDA and food manufacturers to keep the food supply safe. It will require manufacturers to implement preventive systems to stop outbreaks before they occur;

Require FDA to inspect food facilities—foreign and domestic—more frequently;

Grant FDA new authority to ensure that imported foods meet U.S. safety standards and will assure foreign growers and producers must be treated with the same care that American growers and producers are; and

Grant FDA new enforcement tools, including mandatory recall authority, authority to detain tainted products, and protection for employees who uncover food safety violations.

Mr. Speaker, enactment of this legislation is long overdue and necessary—necessary for the millions of Americans who suffer from foodborne illness each year, and the thousands who die from it each year.

We will bring to a halt a shameful situation where 48 million Americans are sickened by bad food, 128,000—yes 128,000 Americans—hospitalized and 3,000 people killed by bad food.

I strongly support the legislation before us today and urge my colleagues to cast an aye vote.

S. 510 SUPPORTERS

OBAMA ADMINISTRATION—FDA

American Bakers Association; American Beverage Association; American Public Health Association; Center for Foodborne Illness, Research & Prevention; Center for the Science In The Public Interest; Consumer Federation ot America; Consumers Union; Flavor and Extract Manufacturers Association; Food Marketing Institute; Grocery Manufacturers Association; Institute of Shortening & Edible Oils Inc.; International Dairy Foods Association; International Bottled Water Association; National Association of Manufacturers; National Coffee Association of U.S.A., Inc.; National Confectioners Association; National Consumers League; National Restaurant Association; The Pew Charitable Trusts; Snack Food Association; STOP—Safe Tables Our Priority; Trust For America's Health; U.S. Chamber of Commerce; and U.S. PIRG: Federation of State PIRGs.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of the FDA Food Safety Modernization Act.

H.R. 2751, the FDA Food Safety Modernization Act would help expand the FDA authority to inspect records relating to food while increasing inspections on high-risk on food facilities. Through passage of this bill, a more accurate registry of all food facilities serving American consumers would exist. It is important to provide safe and clean food for the American people, who deserve nothing but the best.

The safety and sanitation of food produced and distributed throughout the United States is of utmost importance. The health and well being of every person in this country hinges on the quality and effectiveness of the food inspection process. Without proper inspection, there is a possibility of contamination of foods and the spread of disease.

In the spring of 2008, a case of salmonella spread throughout the country as a result of a single tainted pepper from a South Texas produce warehouse. This strain of salmonella sickened 1,251 people, led to the hospitalization of 229 people, and sadly, two deaths. Once the origin of the salmonella outbreak was determined, the FDA and other federal agencies took action and required the responsible parties to recall all produce that they thought may have been tainted.

In the United States in 2010, at a time when we have the newest and greatest technologies at our disposal, outbreaks like the one mentioned should not take place. With improved and modernized safety inspections, such outbreaks can be avoided and prevented.

It is because of stories like this that I am ever so moved to ensure that H.R. 2751, the FDA Food Safety Modernization Act is passed in the House of Representatives and that it eventually becomes law.

Passage of the FDA Food Safety Modernization Act will prevent such salmonella scares from happening again in the future—in Texas or in any state in the country—for that matter.

This bill would also allow for improved traceability of the history of food in the event of a food borne illness outbreak. Often time, when our country has been faced by serious food poisoning that have affected thousands of American people, we do not know where the food was produced or cultivated. This bill would bring an end to that. It is important for us to be ever cautious that could affect the well being and health of our children, elderly and family members.

In addition to what I have mentioned, this bill would also make available a certificate of certain food imports—requiring all foods imported into the United States to meet all U.S. food safety requirements. The certificate would ensure that we are only allowing the safest and most healthy food into our country for consumption by the American people.

Another important component of this legislation would ensure protection of whistleblowers that bring attention to important safety information pertaining to the food regulation and food safety. It is most vital that we afford those people who may know information about certain food the opportunity to inform authorities about any concerns they may have with their consumption.

The bill contains important provisions that address the industry concerns, which include the elimination of the registration fee imposed on facilities participating in the food system. In addition, this legislation provides for a limited exemption for small food producers and processors that sell the majority of their food directly to consumers or to grocers within a circumscribed area and whose food sales are less than $500,000 per year.

The legislation before the House of Representatives is supported by a range of consumer and industry groups, including the American Public Health Association, the Center for Foodborne Illness Research and Prevention, the Center for Public Interest, the Consumer Federation of America, the Grocery Manufacturers Association, and the U.S. Chamber of Commerce.

It is time that we stand with this broad-based coalitions as we work to improve the food we eat and consume and know where exactly it's coming from. These actions will only help our country, families and our American people from having safety and consumer-friendly produce, meats and dairy.

Mr. FARR. Mr. Speaker, I would first like to thank Chairman WAXMAN and Chairman DINGELL for drafting a very strong food safety bill and leading a comprehensive debate by the House. Their legislation included three vital components that are all founded on a strong scientific base. I also want to commend them for including the teeth we need to implement mandatory recalls, as well as a commodity-specific approach to produce safety. Also important, the bill incorporated the flexibility we need to cover our growers, handlers, and processors.

Yet the Senate bill we will be voting on today, The FDA Food Safety Modernization

Act, fails to meet that high bar set by the original House bill. Because the version that is now before us has abandoned its original scientific base, I must sadly oppose this legislation.

Let me be clear: I understand the need for food safety reform all too well. The safety of America's supply of fresh fruits, vegetables and nuts will always be my highest priority. I know firsthand the impact an outbreak can have on an industry, and for that reason, understand the strong need for far reaching regulations based on the best science available.

The Center for Disease Control estimates, released December 15th, state that 48 million people in America—that's 1 in every 6—get sick every year from contaminated food. Furthermore, 128,000 are hospitalized and 3,000 die being exposed to this contaminated food. These are staggering numbers considering the United States still has the safest food supply in the world.

I also know each time any fruit or vegetable is implicated in an outbreak of food borne illness, the industry as a whole suffers from devastating loses in consumer confidence. In the long run, this is simply not sustainable, and it's certainly not acceptable for growers or consumers.

At the very least, our nation needs a minimum food safety standard that applies to every producer. And we need to help all growers small or large, comply with the regulations that will be promulgated from this legislation. Anything less falls short of true food safety reform, and could be a dangerous disservice to the American public.

The region I represent, California's Central Coast, is the top producing specialty crop region in the world. As such, I am proud to say that food safety is our region's industry's top priority. The men and women who grow, pack, and market fresh produce are committed to providing consumers with safe and wholesome foods from field to fork. Our local industry is constantly working to enhance and improve their performance in growing crops, harvesting and handling for distribution, packaging and processing into convenient ready-to-eat products. In addition to following all protocols to maintain the safest possible delivery chain—all the way to the consumer's table.

Mr. Speaker, Food Safety knows no price point—Salmonella, e. Coli and Listeria don't care if the food is grown conventionally or organically—or if the produce is grown on a large ranch or small farm. That's why provisions in this bill that exempt small producers from oversight are simply unacceptable and dangerous. We need policy based on sound science, and exempting certain sectors of the industry is not sound policy. Instead, we should be providing those small producers with the tools and incentives they need to meet the food safety standards we are voting on today.

Food producers are dedicated to continuously improving on-farm food safety practices—inclusion of exemptions from food safety laws is a huge step backward, and will send the wrong message to the food industry. Even worse, it will send the wrong message to the American consumer.

Congress needs to understand—just as my growers understand—that any fruit or vegetable implicated in an outbreak taints the entire agricultural industry. And those isolated instances are cumulative. If we allow small producers to avoid oversight, the outbreaks that are likely to occur will result in the harm of all growers, handlers, processors, and shippers.

I'm committed to ensuring that when food safety regulation does come to fruition, it is developed and implemented with industry input. And that it provides pragmatic food safety guidelines that are both feasible and effective for growers, processors, handlers, and consumers.

Mr. Speaker, this legislation does offer a step forward, but be certain that today we could have taken a leap forward.

I look forward to working with my colleagues, constituents and the agencies to developing meaningful scientifically based food safety standards. But unfortunately, I can not support this bill as it is presented to us from the Senate.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of this legislation that will provide the Food and Drug Administration, FDA, muchneeded enhanced authorities to protect the American public from unsafe foods.

Serious gaps have been exposed in the FDA's ability to protect the American public from outbreaks of food-borne diseases. These outbreaks have shaken consumer confidence in the industry that produces one of our most basic and important commodities that Americans depend on daily—the food we eat.

While I prefer the stronger food safety bill that the House passed last year, the Senate-passed FDA Food Safety Modernization Act will make substantial improvements to our food safety system. It includes critical reforms that will improve the FDA's ability to better prevent outbreaks and protect the safety of our food supply and it will allow the FDA to conduct increased inspections, enhance surveillance and traceability of food products, and give the FDA the authority to issue mandatory recalls.

Mr. Speaker, we must ensure that the FDA has the necessary tools and resources to fulfill its vital mission of helping protect the American public from unsafe products. This food safety bill is an important part of that effort. I urge my colleagues to support this legislation.

Mr. DINGELL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1781, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PITTS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, further proceedings on this question will be postponed.

AMERICA COMPETES REAUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion to concur in the Senate amendment to the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Tennessee (Mr. GORDON).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur in the Senate amendment to H.R. 5116 will be followed by 5-minute votes on motions to concur with respect to H.R. 2142 and H.R. 2751 and the motion to suspend on S. 3243.

The vote was taken by electronic device, and there were—yeas 228, nays 130, not voting 75, as follows:

[Roll No. 659]

YEAS—228

Ackerman	Ellison	Maloney
Altmire	Ellsworth	Markey (CO)
Andrews	Engel	Markey (MA)
Arcuri	Eshoo	Marshall
Baldwin	Etheridge	Matheson
Barrow	Farr	Matsui
Bartlett	Fattah	McCaul
Bean	Filner	McCollum
Becerra	Foster	McDermott
Berkley	Frank (MA)	McGovern
Berman	Fudge	McIntyre
Biggert	Gerlach	McNerney
Bilbray	Giffords	Meek (FL)
Bishop (GA)	Gonzalez	Meeks (NY)
Bishop (NY)	Gordon (TN)	Michaud
Boccieri	Grayson	Miller (NC)
Boren	Green, Al	Miller, George
Boswell	Green, Gene	Minnick
Boucher	Grijalva	Mollohan
Boyd	Hall (NY)	Moore (KS)
Brady (PA)	Halvorson	Moore (WI)
Braley (IA)	Hare	Moran (VA)
Brown, Corrine	Harman	Murphy (CT)
Butterfield	Hastings (FL)	Murphy (NY)
Capito	Heinrich	Murphy, Patrick
Capps	Higgins	Nadler (NY)
Capuano	Hill	Napolitano
Cardoza	Himes	Nye
Carnahan	Hinchey	Oberstar
Carney	Hinojosa	Obey
Carson (IN)	Hirono	Olver
Cassidy	Holden	Owens
Castle	Holt	Pallone
Castor (FL)	Inslee	Pascrell
Chandler	Israel	Payne
Childers	Jackson (IL)	Perlmutter
Clarke	Jackson Lee (TX)	Perriello
Clay	Johnson (GA)	Peters
Cleaver	Johnson (IL)	Peterson
Clyburn	Johnson, E. B.	Pingree (ME)
Cohen	Kagen	Polis (CO)
Connolly (VA)	Kanjorski	Pomeroy
Conyers	Kaptur	Price (NC)
Cooper	Kildee	Quigley
Costa	Kilroy	Rahall
Courtney	Kind	Rangel
Critz	Kirkpatrick (AZ)	Reed
Crowley	Kissell	Reichert
Cuellar	Klein (FL)	Richardson
Cummings	Kosmas	Rodriguez
Dahlkemper	Kratovil	Ross
Davis (CA)	Kucinich	Rothman (NJ)
Davis (TN)	Langevin	Roybal-Allard
DeFazio	Larsen (WA)	Ruppersberger
DeGette	Larson (CT)	Ryan (OH)
DeLauro	Lee (NY)	Sánchez, Linda T.
Dent	Levin	Sarbanes
Dicks	Lewis (GA)	Schakowsky
Dingell	Lipinski	Schauer
Doggett	Loebsack	Schiff
Donnelly (IN)	Lowey	Schrader
Driehaus	Luján	Schwartz
Edwards (MD)	Lynch	Scott (GA)
Edwards (TX)	Maffei	Scott (VA)
Ehlers		

Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (NJ)
Snyder
Space
Speier
Spratt
Stupak
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NAYS—130

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Cantor
Carter
Chaffetz
Coffman (CO)
Cole
Conaway
Davis (KY)
Diaz-Balart, M.
Djou
Dreier
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman

NOT VOTING—75

Adler (NJ)
Baca
Baird
Barrett (SC)
Barton (TX)
Berry
Blumenauer
Boehner
Bright
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Chu
Coble
Costello
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Delahunt
Deutch
Diaz-Balart, L.
Doyle
Fallin
Garamendi
Granger
Griffith
Gutierrez
Heller
Herseth Sandlin
Hodes
Honda
Hoyer
Inglis
Johnson, Sam
Jones
Kennedy
Kilpatrick (MI)
King (NY)
Lee (CA)
Linder
Lofgren, Zoe
Marchant
McCarthy (CA)
McCarthy (NY)
McMahon
McMorris Rodgers
Melancon
Miller, Gary
Mitchell
Neal (MA)
Nunes
Ortiz
Pastor (AZ)
Radanovich
Reyes
Rush
Salazar
Sanchez, Loretta
Schock
Sires
Smith (WA)
Stark
Sutton
Tanner
Tonko
Wamp
Wasserman Schultz
Watson
Young (AK)
Young (FL)

□ 1631

Mr. TERRY changed his vote from ''yea'' to ''nay.''

Messrs. CHANDLER and BARTLETT changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TONKO. Mr. Speaker, on rollcall No. 659, had I been present, I would have voted ''yea.''

Mr. GARAMENDI. I voice my strong support for the America COMPETES Reauthorization Act of 2010, H.R. 5116. Unfortunately during a busy legislative day, I missed the rollcall for this important bill, which passed the House of Representatives today. Had I been present on the House Floor, I would have cast an ''aye'' vote in favor of H.R. 5116.

GPRA MODERNIZATION ACT OF 2010

The SPEAKER pro tempore (Mr. OBEY). The unfinished business is the vote on adoption of the motion to concur in the Senate amendment to the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 139, not voting 78, as follows:

[Roll No. 660]

YEAS—216

Ackerman
Altmire
Andrews
Arcuri
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Boyd
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCaul
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (TX)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—139

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Cantor
Capito
Carter
Cassidy
Chaffetz
Coffman (CO)
Cole
Conaway
Davis (KY)
Djou
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Owens
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—78

Adler (NJ)
Baca
Baird
Barrett (SC)
Barton (TX)
Berry
Bilirakis
Blumenauer
Brady (PA)
Bright
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Chu
Coble
Costello
Crenshaw
Culberson
Davis (IL)
Delahunt
Deutch
Diaz-Balart, L.
Doyle
Edwards (TX)
Fallin
Gordon (TN)
Granger
Griffith
Gutierrez
Heller
Herseth Sandlin
Hinojosa
Hodes
Honda
Inglis
Johnson, Sam
Jones
Kennedy
Kilpatrick (MI)
King (NY)
Larson (CT)
Lee (CA)
Linder
Lofgren, Zoe
Marchant
McCarthy (CA)
McCarthy (NY)
McMahon
McMorris Rodgers
Melancon
Miller (NC)
Miller, Gary
Mitchell
Napolitano
Neal (MA)
Nunes
Ortiz
Pastor (AZ)
Peterson
Radanovich
Reyes
Rush
Salazar
Sanchez, Loretta
Schock
Sires

Smith (WA)
Stark
Tanner
Wamp
Wasserman Schultz
Watson
Young (AK)
Young (FL)

□ 1642

Mr. OWENS changed his vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 660, had I been present, I would have voted "yea."

FDA FOOD SAFETY MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the adoption of the motion to concur in the Senate amendments to the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 144, not voting 74, as follows:

[Roll No. 661]

YEAS—215

Ackerman
Altmire
Andrews
Arcuri
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Boccieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stupak
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NAYS—144

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Cantor
Capito
Cardoza
Carter
Cassidy
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Costa
Davis (KY)
Diaz-Balart, M.
Dreier
Duncan
Emerson
Farr
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Stearns
Stutzman
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman

NOT VOTING—74

Adler (NJ)
Baca
Baird
Barrett (SC)
Barton (TX)
Berry
Blumenauer
Bonner
Bright
Brown-Waite, Ginny
Buyer
Calvert
Camp
Campbell
Cao
Chu
Coble
Costello
Crenshaw
Culberson
Davis (IL)
Delahunt
Deutch
Diaz-Balart, L.
Doyle
Fallin
Gordon (TN)
Granger
Griffith
Gutierrez
Heller
Herseth Sandlin
Hinojosa
Hirono
Hodes
Honda
Inglis
Johnson, Sam
Jones
Kagen
Kennedy
Kilpatrick (MI)
Kilroy
King (NY)
Lee (CA)
Linder
Lofgren, Zoe
Marchant
McCarthy (CA)
McCarthy (NY)
McMahon
McMorris Rodgers
Melancon
Miller, Gary
Mitchell
Neal (MA)
Nunes
Ortiz
Pastor (AZ)
Radanovich
Reyes
Rush
Salazar
Sanchez, Loretta
Schock
Sires
Smith (TX)
Smith (WA)
Stark
Tanner
Wamp
Wasserman Schultz
Young (AK)
Young (FL)

□ 1649

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KAGEN. Mr. Speaker, on rollcall No. 661, I was present, placed my card into the voting device and did not look at the Board.

I voted "yes."

PERSONAL EXPLANATION

Mr. BACA. Mr. Speaker, please excuse me from session Tuesday, December 21, 2010. I have legislative business in the district. Had I been here, I would have voted in support of H. R. 5116—The America COMPETES Reauthorization Act of 2010, H. R. 2142—The GPRA (Government Performance and Results Act) Modernization Act of 2010 and H. R. 2751—The FDA Food Safety Modernization Act. In addition, I support funding our Federal Government by passage of a continuing resolution by year's end.

PERSONAL EXPLANATION

Mr. BLUMENAUER. Madam Speaker, due to an illness, I was unable to be in Washington, DC for votes today. Had I been present for the votes, I would have voted as follows:

Rollcall vote 658: I would have voted in favor of H.R. 6540, the Defense Level Playing Field Act.

Rollcall vote 659: I would have voted in favor of the motion to concur in the Senate amendment to H.R. 5116, the America COMPETES Reauthorization Act of 2010.

Rollcall vote 660: I would have voted in favor of the motion to concur in the Senate amendment to H.R. 2142, the Government Efficiency, Effectiveness, and Performance Improvement Act of 2010.

Rollcall vote 661: I would have voted in favor of the motion to concur in the Senate amendment to H.R. 5116, the FDA Food Safety Modernization Act. This long-overdue legislation will help ensure a safe food supply while taking into the realities and needs of America's farmers. I especially appreciate changes made by the Senate to meet the needs of very small farms and processors.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 659, 660, and 661.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen, I know the consternation that exists with respect to our schedule and when we are going to leave. I want to announce what I believe to be the balance of the schedule tonight. I would hope that it would include, but cannot assert at this point in time because I don't know—and I don't believe it's the case—that 9/11 will be ready for us. They are still talking about it in the Senate. I just talked to Senator REID.

We will go to a suspension bill, the child sex trafficking bill. We will then go to the rule for the continuing resolution. We will then do the continuing resolution. That would, unless we get 9/11, conclude the business for today.

It is, as Senator REID indicates to me, a high likelihood that they will complete 9/11 sometime tomorrow. Now ''sometime tomorrow'' is, he says, no later than 4, as early as 2.

Ladies and gentlemen, I know we would all like to say that, well, let's go home. As you know, the 9/11 bill does, in fact, impact literally tens of thousands of people who participated subsequent to 9/11 in going into that building and initially looking for those who might still be surviving, and to look for those who did not survive and bring them out. So this is not a matter that does not have serious consequences for people who volunteered and, as a result of the atmosphere which confronted them as they went in, they became ill.

So I think all of us understand the seriousness of this bill and the consequences of not doing it. So I would ask you to bear with us. We will have these votes, and we will be in constant touch with Senator REID, the majority leader.

But my expectation is that there is a high likelihood of a vote on 9/11 sometime tomorrow. As a result, I would be asking all of you to stay tonight and be here tomorrow so that we can convene and do this very, very important business, which is not just important to the New Yorkers; this is important to our country. At any time we may have a catastrophe in which people would volunteer and show heroic effort to save lives and to rescue people.

That is the schedule for the balance of the day. If 9/11 moves over here at any point and, frankly, what is happening now, I tell my friends, is that they're seeing whether or not, during the course of the START debate, which is going on now, whether they can get a time agreement and bring START to a close and a vote. If they can do that and then go to 9/11 and have a debate which is relatively brief, they've obviously had a long-term debate on that, and bring this bill to us tonight, I know that all of you would want and I would want and we will do it tonight. But I cannot assert that I think the Senate is going to move it in that time frame.

That is our schedule. And, hopefully, our business will be concluded tomorrow on the passage of 9/11.

ANTI-BORDER CORRUPTION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3243) to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to complete all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Texas (Ms. JACKSON LEE) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FIRST LIEUTENANT ROBERT WILSON COLLINS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3592) to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the ''First Lieutenant Robert Wilson Collins Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 1762

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that Representative FRANK Wolf be removed as a cosponsor of House Resolution 1762.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 3082, CONTINUING APPROPRIATIONS AND SURFACE TRANSPORTATION EXTENSIONS ACT, 2011

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–694) on the resolution (H. Res. 1782) providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. BALDWIN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1700

DOMESTIC MINOR SEX TRAFFICKING DETERRENCE AND VICTIMS SUPPORT ACT OF 2010

Mr. SCOTT of Virginia. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2925) to establish a grant program to benefit victims of sex trafficking, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Human trafficking is modern-day slavery. It is one of the fastest-growing, and the second largest, criminal enterprise in the world. Human trafficking generates an estimated profit of $32,000,000,000 per year, world wide.

(2) In the United States, human trafficking is an increasing problem. This criminal enterprise victimizes individuals in the United States, many of them children, who are forced into prostitution, and foreigners brought into the country, often under false pretenses, who are coerced into forced labor or commercial sexual exploitation.

(3) Sex trafficking is one of the most lucrative areas of human trafficking. Criminal gang members in the United States are increasingly involved in recruiting young women and girls into sex trafficking. Interviews with gang members indicate that the gang members regard working as an individual who solicits customers for a prostitute (commonly known as a ''pimp'') to being as lucrative as trafficking in drugs, but with a much lower chance of being criminally convicted.

(4) National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children, the definitive study of episodes of missing children, found that of the children who are victims of non-family abduction, runaway or throwaway children, the police are

alerted by family or guardians in only 21 percent of the cases. In 79 percent of cases there is no report and no police involvement, and therefore no official attempt to find the child.

(5) In 2007, the Administration of Children and Families, Department of Health and Human Services, reported to the Federal Government 265,000 cases of serious physical, sexual, or psychological abuse of children.

(6) Experts estimate that each year at least 100,000 children in the United States are exploited through prostitution.

(7) Children who have run away from home are at a high risk of becoming exploited through sex trafficking. Children who have run away multiple times are at much higher risk of not returning home and of engaging in prostitution.

(8) The vast majority of children involved in sex trafficking have suffered previous sexual or physical abuse, live in poverty, or have no stable home or family life. These children require a comprehensive framework of specialized treatment and mental health counseling that addresses post-traumatic stress, depression, and sexual exploitation.

(9) The average age of first exploitation through prostitution is 13. Seventy-five percent of minors exploited through prostitution have a pimp. A pimp can earn $200,000 per year prostituting 1 sex trafficking victim.

(10) Sex trafficking of minors is a complex and varied criminal problem that requires a multi-disciplinary, cooperative solution. Reducing trafficking will require the Government to address victims, pimps, and johns, and to provide training specific to sex trafficking for law enforcement officers and prosecutors, and child welfare, public health, and other social service providers.

(11) Human trafficking is a criminal enterprise that imposes significant costs on the economy of the United States. Government and non-profit resources used to address trafficking include those of law enforcement, the judicial and penal systems, and social service providers. Without a range of appropriate treatments to help trafficking victims overcome the trauma they have experienced, victims will continue to be exploited by criminals and unable to support themselves, and will continue to require Government resources, rather than being productive contributors to the legitimate economy.

(12) Human trafficking victims are often either not identified as trafficking victims or are mischaracterized as criminal offenders. Both private and public sector personnel play a significant role in identifying trafficking victims and potential victims, such as runaways. Examples of such personnel include hotel staff, flight attendants, health care providers, educators, and parks and recreation personnel. Efforts to train these individuals can bolster law enforcement efforts to reduce human trafficking.

(13) Minor sex trafficking victims are under the age of 18. Because minors do not have the capacity to consent to their own commercial sexual exploitation, minor sex trafficking victims should not be charged as criminal defendants. Instead, minor victims of sex trafficking should have access to treatment and services to help them recover from their sexual exploitation, and should also be provided access to appropriate compensation for harm they have suffered.

(14) Several States have recently passed or are considering legislation that establishes a presumption that a minor charged with a prostitution offense is a severely trafficked person and should instead be cared for through the child protection system. Some such legislation also provides support and services to minor sex trafficking victims who are under the age of 18 years old. These services include safe houses, crisis intervention programs, community-based programs, and law-enforcement training to help officers identify minor sex trafficking victims.

(15) Sex trafficking of minors is not a problem that occurs only in urban settings. This crime also exists in rural areas and on Indian reservations. Efforts to address sex trafficking of minors should include partnerships with organizations that seek to address the needs of such underserved communities.

SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the Attorney General should implement changes to the National Crime Information Center database to ensure that—

(A) a child entered into the database will be automatically designated as an endangered juvenile if the child has been reported missing not less than 3 times in a 1-year period;

(B) the database is programmed to cross-reference newly entered reports with historical records already in the database; and

(C) the database is programmed to include a visual cue on the record of a child designated as an endangered juvenile to assist law enforcement officers in recognizing the child and providing the child with appropriate care and services;

(2) funds awarded under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as Byrne Grants) should be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors;

(3) States should—

(A) treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents;

(B) adopt laws that—

(i) establish the presumption that a child under the age of 18 who is charged with a prostitution offense is a minor victim of sex trafficking;

(ii) avoid the criminal charge of prostitution for such a child, and instead consider such a child a victim of crime and provide the child with appropriate services and treatment; and

(iii) strengthen criminal provisions prohibiting the purchasing of commercial sex acts, especially with minors;

(C) amend State statutes and regulations—

(i) relating to crime victim compensation to make eligible for such compensation any individual who is a victim of sex trafficking as defined in section 1591(a) of title 18, United States Code, or a comparable State law against commercial sexual exploitation of children, and who would otherwise be ineligible for such compensation due to participation in prostitution activities because the individual is determined to have contributed to, consented to, benefitted from, or otherwise participated as a party to the crime for which the individual is claiming injury; and

(ii) relating to law enforcement reporting requirements to provide for exceptions to such requirements for victims of sex trafficking in the same manner as exceptions are provided to victims of domestic violence or related crimes; and

(4) demand for commercial sex with sex trafficking victims must be deterred through consistent enforcement of criminal laws against purchasing commercial sex.

SEC. 4. SEX TRAFFICKING BLOCK GRANTS.

(a) IN GENERAL.—Section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as follows:

"SEC. 204. ENHANCING STATE AND LOCAL EFFORTS TO COMBAT TRAFFICKING IN PERSONS.

''(a) SEX TRAFFICKING BLOCK GRANTS.—

''(1) DEFINITIONS.—In this section—

''(A) the term 'Assistant Attorney General' means the Assistant Attorney General for the Office of Justice Programs of the Department of Justice;

''(B) the term 'eligible entity' means a State or unit of local government that—

''(i) has significant criminal activity involving sex trafficking of minors;

''(ii) has demonstrated cooperation between State, local, and, where applicable, tribal law enforcement agencies, prosecutors, and social service providers in addressing sex trafficking of minors;

''(iii) has developed a workable, multi-disciplinary plan to combat sex trafficking of minors, including—

''(I) the establishment of a shelter for minor victims of sex trafficking, through existing or new facilities;

''(II) the provision of rehabilitative care to minor victims of sex trafficking;

''(III) the provision of specialized training for law enforcement officers and social service providers for all forms of sex trafficking, with a focus on sex trafficking of minors;

''(IV) prevention, deterrence, and prosecution of offenses involving sex trafficking of minors;

''(V) cooperation or referral agreements with organizations providing outreach or other related services to runaway and homeless youth; and

''(VI) law enforcement protocols or procedures to screen all individuals arrested for prostitution, whether adult or minor, for victimization by sex trafficking and by other crimes, such as sexual assault and domestic violence; and

''(iv) provides an assurance that, under the plan under clause (iii), a minor victim of sex trafficking shall not be required to collaborate with law enforcement to have access to any shelter or services provided with a grant under this section;

''(C) the term 'minor victim of sex trafficking' means an individual who is—

''(i) under the age of 18 years old, and is a victim of an offense described in section 1591(a) of title 18, United States Code, or a comparable State law; or

''(ii) at least 18 years old but not more than 20 years old, and who, on the day before the individual attained 18 years of age, was described in clause (i) and was receiving shelter or services as a minor victim of sex trafficking;

''(D) the term 'qualified non-governmental organization' means an organization that—

''(i) is not a State or unit of local government, or an agency of a State or unit of local government;

''(ii) has demonstrated experience providing services to victims of sex trafficking or related populations (such as runaway and homeless youth), or employs staff specialized in the treatment of sex trafficking victims; and

''(iii) demonstrates a plan to sustain the provision of services beyond the period of a grant awarded under this section; and

''(E) the term 'sex trafficking of a minor' means an offense described in subsection (a) of section 1591 of title 18, United States Code, the victim of which is a minor.

''(2) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Assistant Attorney General, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, is authorized to award block grants to 6 eligible entities in different regions of the United States to combat sex trafficking, and not fewer than 1 of the block grants shall be awarded to an eligible entity with a State population of less than 5,000,000. Each eligible entity awarded a block grant under this subparagraph shall certify that Federal

funds received under the block grant will be used to combat only interstate sex trafficking.

''(B) GRANT AMOUNT.—Subject to the availability of appropriations under subsection (g) to carry out this section, each grant awarded under this section shall be for an amount not less than $2,000,000 and not greater than $2,500,000.

''(C) DURATION.—

''(i) IN GENERAL.—A grant awarded under this section shall be for a period of 1 year.

''(ii) RENEWAL.—

''(I) IN GENERAL.—The Assistant Attorney General may renew a grant under this section for two 1-year periods.

''(II) PRIORITY.—In awarding grants in any fiscal year after the first fiscal year in which grants are awarded under this section, the Assistant Attorney General shall give priority to applicants that received a grant in the preceding fiscal year and are eligible for renewal under this subparagraph, taking into account any evaluation of such applicant conducted pursuant to paragraph (5), if available.

''(D) CONSULTATION.—In carrying out this section, consultation by the Assistant Attorney General with the Assistant Secretary for Children and Families of the Department of Health and Human Services shall include consultation with respect to grantee evaluations, the avoidance of unintentional duplication of grants, and any other areas of shared concern.

''(3) USE OF FUNDS.—

''(A) ALLOCATION.—For each grant awarded under paragraph (2)—

''(i) not less than 67 percent of the funds shall be used by the eligible entity to provide shelter and services (as described in clauses (i) through (iv) of subparagraph (B)) to minor victims of sex trafficking through qualified nongovernmental organizations; and

''(ii) not less than 10 percent of the funds shall be awarded by the eligible entity to one or more qualified nongovernmental organizations with annual revenues of less than $750,000, to provide services to minor victims of sex trafficking or training for service providers related to sex trafficking of minors.

''(B) AUTHORIZED ACTIVITIES.—Grants awarded pursuant to paragraph (2) may be used for—

''(i) providing shelter to minor victims of trafficking, including temporary or long-term placement as appropriate;

''(ii) providing 24-hour emergency social services response for minor victims of sex trafficking;

''(iii) providing minor victims of sex trafficking with clothing and other daily necessities needed to keep such victims from returning to living on the street;

''(iv) case management services for minor victims of sex trafficking;

''(v) mental health counseling for minor victims of sex trafficking, including specialized counseling and substance abuse treatment;

''(vi) legal services for minor victims of sex trafficking;

''(vii) specialized training for law enforcement personnel, social service providers, and public and private sector personnel likely to encounter sex trafficking victims on issues related to the sex trafficking of minors;

''(viii) funding salaries, in whole or in part, for law enforcement officers, including patrol officers, detectives, and investigators, except that the percentage of the salary of the law enforcement officer paid for by funds from a grant awarded under paragraph (2) shall not be more than the percentage of the officer's time on duty that is dedicated to working on cases involving sex trafficking of minors;

''(ix) funding salaries for State and local prosecutors, including assisting in paying trial expenses for prosecution of sex trafficking offenders;

''(x) investigation expenses for cases involving sex trafficking of minors, including—

''(I) wire taps;

''(II) consultants with expertise specific to cases involving sex trafficking of minors;

''(III) travel; and

''(IV) any other technical assistance expenditures;

''(xi) outreach and education programs to provide information about deterrence and prevention of sex trafficking of minors; and

''(xii) programs to provide treatment to individuals charged or cited with purchasing or attempting to purchase sex acts in cases where—

''(I) a treatment program can be mandated as a condition of a sentence, fine, suspended sentence, or probation, or is an appropriate alternative to criminal prosecution; and

''(II) the individual was not charged with purchasing or attempting to purchase sex acts with a minor.

''(C) PROHIBITED ACTIVITIES.—Grants awarded pursuant to paragraph (2) shall not be used for medical care (as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg-91)), except that grants may be used for mental health counseling as authorized under subparagraph (B)(v).

''(4) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

''(i) describe the activities for which assistance under this section is sought; and

''(ii) provide such additional assurances as the Assistant Attorney General determines to be essential to ensure compliance with the requirements of this section.

''(5) EVALUATION.—The Assistant Attorney General shall enter into a contract with an academic or non-profit organization that has experience in issues related to sex trafficking of minors and evaluation of grant programs to conduct an annual evaluation of grants made under this section to determine the impact and effectiveness of programs funded with grants awarded under paragraph (2).

''(b) MANDATORY EXCLUSION.—Any grantee awarded funds under this section that is found to have utilized grant funds for any unauthorized expenditure or otherwise unallowable cost shall not be eligible for any grant funds awarded under the block grant for 2 fiscal years following the year in which the unauthorized expenditure or unallowable cost is reported.

''(c) COMPLIANCE REQUIREMENT.—A grantee shall not be eligible to receive a grant under this section if within the last 5 fiscal years, the grantee has been found to have violated the terms or conditions of a Government grant program by utilizing grant funds for unauthorized expenditures or otherwise unallowable costs.

''(d) ADMINISTRATIVE CAP.—The cost of administering the grants authorized by this section shall not exceed 3 percent of the total amount appropriated to carry out this section.

''(e) AUDIT REQUIREMENT.—For fiscal years 2012 and 2013, the Inspector General of the Department of Justice shall conduct an audit of all 6 grantees awarded block grants under this section.

''(f) MATCH REQUIREMENT.—A grantee of a grant under this section shall match at least 25 percent of a grant in the first year, 40 percent in the second year, and 50 percent in the third year.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of the fiscal years 2012 through 2014.''.

(b) SUNSET PROVISION.—Effective 3 years after the date of enactment of this Act, section 204 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044c) is amended to read as it read on the day before the date of enactment of this Act.

(c) GAO EVALUATION.—Not later than 30 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of and submit to Congress a report evaluating the impact of this Act and the amendments made by this Act in aiding minor victims of sex trafficking in the United States and increasing the ability of law enforcement agencies to prosecute sex trafficking offenders, which shall include recommendations, if any, regarding any legislative or administrative action the Comptroller General determines appropriate.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENT FOR STATE CHILD WELFARE AGENCIES.—

(1) REQUIREMENT FOR STATE CHILD WELFARE AGENCIES TO REPORT CHILDREN MISSING OR ABDUCTED.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (32), by striking ''and'' after the semicolon;

(B) in paragraph (33), by striking the period and inserting ''; and''; and

(C) by inserting after paragraph (33) the following:

''(34) provides that the State has in effect procedures that require the State agency to promptly report information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.''.

(2) REGULATIONS.—The Secretary of Health and Human Services shall promulgate regulations implementing the amendments made by paragraph (1). The regulations promulgated under this subsection shall include provisions to withhold Federal funds from any State that fails to substantially comply with the requirement imposed under the amendments made by paragraph (1).

(3) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 6 months after the date of the enactment of this Act, without regard to whether final regulations required under paragraph (2) have been promulgated.

(b) ANNUAL STATISTICAL SUMMARY.—Section 3701(c) of the Crime Control Act of 1990 (42 U.S.C. 5779(c)) is amended by inserting '', which shall include the total number of reports received and the total number of entries made to the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, established pursuant to section 534 of title 28, United States Code.'' after ''this title''.

(c) STATE REPORTING.—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended in paragraph (4)—

(1) by striking ''(2)'' and inserting ''(3)'';

(2) in subparagraph (A), by inserting '', and a photograph taken within the previous 180 days'' after ''dental records'';

(3) in subparagraph (B), by striking ''and'' after the semicolon;

(4) by redesignating subparagraph (C) as subparagraph (D); and

(5) by inserting after subparagraph (B) the following:

''(C) notify the National Center for Missing and Exploited Children of each report received relating to a child reported missing from a foster care family home or childcare institution; and''.

SEC. 6. PROTECTION FOR CHILD TRAFFICKING VICTIMS AND SURVIVORS.

Section 225(b) of the Trafficking Victims Reauthorization Act of 2008 (22 U.S.C. 7101 note) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) protects children exploited through prostitution by including safe harbor provisions that—

''(A) treat an individual under 18 years of age who has been arrested for offering to engage in or engaging in a sexual act with another person in exchange for monetary compensation as a victim of a severe form of trafficking in persons;

''(B) prohibit the charging or prosecution of an individual described in subparagraph (A) for a prostitution offense;

''(C) require the referral of an individual described in subparagraph (A) to comprehensive service or community-based programs that provide assistance to child victims of commercial sexual exploitation, to the extent that comprehensive service or community-based programs exist; and

''(D) provide that an individual described in subparagraph (A) shall not be required to prove fraud, force, or coercion in order to receive the protections described under this paragraph; and''.

SEC. 7. PROTECTION OF CHILD WITNESSES.

Section 1514 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or its own motion,'' after ''attorney for the Government''; and

(ii) by inserting ''or investigation'' after ''Federal criminal case'' each place it appears;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

''(2) In the case of a minor witness or victim, the court shall issue a protective order prohibiting harassment or intimidation of the minor victim or witness if the court finds evidence that the conduct at issue is reasonably likely to adversely affect the willingness of the minor witness or victim to testify or otherwise participate in the Federal criminal case or investigation. Any hearing regarding a protective order under this paragraph shall be conducted in accordance with paragraphs (1) and (3), except that the court may issue an ex parte emergency protective order in advance of a hearing if exigent circumstances are present. If such an ex parte order is applied for or issued, the court shall hold a hearing not later than 14 days after the date such order was applied for or is issued.'';

(D) in paragraph (4), as so redesignated, by striking ''(and not by reference to the complaint or other document)''; and

(E) in paragraph (5), as so redesignated, in the second sentence, by inserting before the period at the end the following: '', except that in the case of a minor victim or witness, the court may order that such protective order expires on the later of 3 years after the date of issuance or the date of the eighteenth birthday of that minor victim or witness''; and

(2) by striking subsection (c) and inserting the following:

''(c) Whoever knowingly and intentionally violates or attempts to violate an order issued under this section shall be fined under this title, imprisoned not more than 5 years, or both.

''(d)(1) As used in this section—

''(A) the term 'course of conduct' means a series of acts over a period of time, however short, indicating a continuity of purpose;

''(B) the term 'harassment' means a serious act or course of conduct directed at a specific person that—

''(i) causes substantial emotional distress in such person; and

''(ii) serves no legitimate purpose;

''(C) the term 'immediate family member' has the meaning given that term in section 115 and includes grandchildren;

''(D) the term 'intimidation' means a serious act or course of conduct directed at a specific person that—

''(i) causes fear or apprehension in such person; and

''(ii) serves no legitimate purpose;

''(E) the term 'restricted personal information' has the meaning give that term in section 119;

''(F) the term 'serious act' means a single act of threatening, retaliatory, harassing, or violent conduct that is reasonably likely to influence the willingness of a victim or witness to testify or participate in a Federal criminal case or investigation; and

''(G) the term 'specific person' means a victim or witness in a Federal criminal case or investigation, and includes an immediate family member of such a victim or witness.

''(2) For purposes of subparagraphs (B)(ii) and (D)(ii) of paragraph (1), a court shall presume, subject to rebuttal by the person, that the distribution or publication using the Internet of a photograph of, or restricted personal information regarding, a specific person serves no legitimate purpose, unless that use is authorized by that specific person, is for news reporting purposes, is designed to locate that specific person (who has been reported to law enforcement as a missing person), or is part of a government-authorized effort to locate a fugitive or person of interest in a criminal, antiterrorism, or national security investigation.''.

SEC. 8. SENTENCING GUIDELINES.

Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and policy statements to ensure—

(1) that the guidelines provide an additional penalty increase, if appropriate, above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual if the defendant was convicted of a violation of section 1591 of title 18, United States Code, or chapters 109A, 109B, 110 or 117 of title 18, United States Code; and

(2) if the offense described in paragraph (1) involved causing or threatening to cause physical injury to a person under 18 years of age, in order to obstruct the administration of justice, an additional penalty increase, if appropriate, above the sentence otherwise applicable in Part J of Chapter 2 of the Guidelines Manual.

SEC. 9. PENALTIES FOR POSSESSION OF CHILD PORNOGRAPHY.

(a) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(b)(2) of title 18, United States Code, is amended by inserting after ''but if'' the following: ''any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if''.

(b) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(b)(2) of title 18, United States Code, is amended by inserting after ''but, if'' the following: ''any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined under this title and imprisoned for not more than 20 years, or if''.

SEC. 10. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs beginning with fiscal year 2012, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees, except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually for fiscal years 2012 through 2014; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. 11. ADMINISTRATIVE SUBPOENAS.

Section 3486(a)(1)(D) of title 18, United States Code, is amended by inserting ''2250,'' after ''2243,''.

SEC. 12. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent that

all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Madam Speaker, the primary purpose of this bill is to provide, for the first time, specific programs to assist children who are victims of the brutal and devastating scourge of domestic child sex trafficking in this country.

S. 2925 authorizes grants to appropriate victims services entities to create comprehensive victim-centered approaches to address the sex trafficking of minors. In particular, this legislation allows funds under the Byrne and JAG Grant Programs to be used to provide education, training, deterrence, and prevention programs related to sex trafficking of minors. It also provides funding to implement the improvements in the National Crime Information Center. In addition, this legislation strengthens laws aimed at apprehending and punishing domestic traffickers, while also improving the ability of law enforcement and other entities to find, rescue, and assist child victims.

Importantly, S. 2925 also encourages States to treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents. We have made steady progress in recent years in addressing international sex trafficking of minors, as well as adults, under the Trafficking Victims Protection Act, which passed Congress in 2000 on a strong bipartisan basis. It was most recently reauthorized by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, which I was pleased to help develop and shepherd through the House.

We have worked for some time through legislation and other efforts, such as the Congressional Caucus on Sex Trafficking, which I cochair with the gentlelady from New York (Mrs. MALONEY), the gentleman from New Jersey (Mr. SMITH), and the gentlelady from Texas (Ms. GRANGER), to bring more attention to the need to better address the issue of domestic sex trafficking, particularly trafficking of minors. Unfortunately, we have encountered barriers to having it recognized that these children are victims in the domestic sex trade and not criminals.

Now, under the leadership of the Senator from Oregon, Senator WYDEN, and House Members of the Congressional Caucus on Sex Trafficking, this is finally changing. We finally have legislation before us that not only recognizes that children caught up in domestic sex trafficking are victims, but also addresses the unique needs of these child victims in being rescued and helping them pursuing a productive life.

We are amending the Senate bill to remove certain nonessential elements of the bill, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. POE of Texas. Madam Speaker, I yield myself as much time as I may consume.

Today the House considers this important bill, S. 2925, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010. The bill was introduced by Senator RON WYDEN of Oregon and was recently amended and passed in the Senate by unanimous consent. We had a similar bill introduced in the House this year by my friends Mr. SMITH from New Jersey and Mrs. MALONEY from New York. I would like to thank them both for their leadership on this important issue.

Domestic minor sex trafficking is modern-day slavery and a scourge on our society. According to Shared Hope International, at least 100,000 minor children are used in prostitution every year in just the United States. Some sources estimate the number of minors may be as high as 300,000, though the actual number is difficult to really track. Girls as young as 11 years of age are sold on Internet Web sites, exploited by men for their youth and by gangs for their quote, ''reusable qualities.'' These traffickers and the customers who buy them are the filth of humanity.

In my other life, I was a judge in Texas, and a former Texas Ranger told me, ''Judge, when you find one of these traffickers in court, just get a rope.'' Not that we'd do that, but this is how bad this crime is affecting our communities.

In my hometown of Houston, Texas, we have a Human Trafficking Rescue Alliance. It's one of 42 in the Nation. Texas is a tier 1 trafficking State, and Houston, unfortunately, is a hub for human trafficking. This means that the Rescue Alliance is on the front lines of the war against trafficking. They are doing all they can to combat trafficking in Texas and other States. But I hear from them over and over again they just need more resources to care for the victims of domestic minor sex trafficking.

Too often in our system, crime victims, those women, those young girls who are sold into slavery, are treated like criminals. They are not criminals. They are victims of crime. And it's time we, as a community, treat them as victims, not criminals.

Senator WYDEN's bill, S. 2925, addresses the problem by authorizing the Department of Justice, in working with the Department of Health and Human Services, to award grants to organizations in six regionally diverse locations that provide services for child sex trafficking victims. Such services may include temporary and long-term placement of victims, as well as 24-hour emergency services. The funding may also be used to provide mental health counseling. Most importantly, funding may be used for specialized training for law enforcement officials and social service providers to properly identify and care for minor trafficking victims.

When this legislation passed the Senate, important amendments were added to strengthen the ability of law enforcement officials to further prevent the sexual exploitation of children. Unfortunately, a number of these amendments were stripped before the bill was brought to the House floor. I disagree with that approach. We need tougher laws, not weaker laws, to apprehend, convict, and incarcerate traffickers and those who buy young girls for sex.

This bill is a good first start toward building our capacity to care for the victims of domestic minor sex trafficking. Not one more American child, not one more kid should be allowed to wander our streets with their innocence for sale.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 4 minutes to the gentlelady from New York (Mrs. MALONEY), who has been working hard on this bill and has been a leader in making sure this bill continues and has been very instrumental in making sure it saw the floor today.

Mrs. MALONEY. I thank the gentleman for his kind statement and yielding to me.

Madam Speaker, I rise in strong support of S. 2925, the Senate companion to my bill in the House, H.R. 5575, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010, a bipartisan bill I introduced with Representative CHRIS SMITH and have worked on with JACKIE SPEIER and Chairman BOBBY SCOTT and others.

□ 1710

I am grateful to Senator WYDEN for his leadership on this extremely important and devastating issue that is found right here in our own backyards, and to Chairman BOBBY SCOTT for his strong support and a record of action on this issue. I thank him for holding a hearing on this bill, having numerous meetings, and for his vital input into the bill.

What we do today will impact the thousands of girls who have been duped, kidnapped, drugged, and forced into selling their young bodies for sex. It is truly a national tragedy. Too many people believe that child sex trafficking is a problem that exists only in foreign countries, but experts estimate that a minimum of 100,000 children in the United States, most of whom are American citizens, are exploited through commercial sex trafficking every year. The National Center For Missing and Exploited Children estimates that there are as many as 300,000 to 400,000 missing children and that most of them are in this terrible sex trade.

Although it is hard to believe, the average age of first exploitation is 12 to 13 years old. In the years I have worked on this issue, the age keeps getting younger and younger and younger for

these children. These are our daughters, their schoolmates, and their friends.

As founder and cochair of the Human Trafficking Caucus, I have been working for years to end the slavery of the 21st century, the trade in human lives for sex. Human trafficking is a $10 billion industry worldwide. It is the third-largest organized crime ring in history, preceded only by drugs and guns. But unlike drugs and guns, which can be sold only once, the human body can be sold over and over again, and, sadly, a young girl of 12 or 13 is at even greater risk of being sold for a much longer period of time, usually until they die.

Despite the need, a Congressional Research Service report that I requested found that funding for specialized services and support for these young girls, these victims of domestic minor sex trafficking, are very, very limited or nonexistent. Throughout the country, organizations helping them collectively have fewer than 100 beds to address the needs of an estimated 100,000 young children each year. This is simply unacceptable. This bill responds to the problem and gives law enforcement the tools to investigate and prosecute sex traffickers who exploit underage girls and force them into the sex trade.

A pimp selling just four children can earn over $600,000 a year. The risks are low and the gain is high. We live in a country where a person is more likely to serve time for selling marijuana than selling a 14-year-old girl. This bill will change that and treat these young women as crime victims, not as criminals. It will create a six-State pilot program to help law enforcement crack down on pimps and traffickers, create shelters, and provide treatment, counseling, and legal aid for the underage girls that are forced into sexual slavery.

Importantly, the legislation will strengthen deterrence and prevention programs aimed at potential buyers.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. I yield an additional minute.

Mrs. MALONEY of New York. This bill cracks down on sex trafficking by focusing on the demand side, the users. The bill will be considered a model to help rescue the hundreds of thousands of under-aged girls believed to be forced into the sex trade in America.

With this bill, we renew our promise of the 13th Amendment to the Constitution and redouble our efforts in the fight against human trafficking, the 21st century form of slavery. We set up a new standard to combat the sex trafficking of children in the U.S., and we accept our moral obligation to help the neglected victims of this horrible crime and crack down on their abusers.

We must not let our children suffer any more. I urge my colleagues to vote unanimously for this bill.

Mr. POE of Texas. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), who has been instrumental in this legislation.

Mr. SMITH of New Jersey. I thank my good friend Judge POE for yielding, and I rise in very strong support of the legislation. I want to thank Chairman SCOTT and CAROLYN MALONEY, with whom I have worked very closely on the House companion bill.

I will say at the outset, Madam Speaker, as the prime sponsor of the historic law to combat human trafficking known as the Trafficking Victims Protection Act of 2000, and as a Member of Congress who has devoted more than 15 years seeking to prevent trafficking, protect victims from exploitation and abuse, and prosecute those who enslave with up to life imprisonment, I am happy to say that in many of our States, laws have been passed that closely mirror the TVPA so that they too now have powerful weapons and tools to use against those who would so cruelly mistreat others through trafficking.

Just by way of definition, you are considered a trafficking victim if you have not yet attained the age of 18 and have been sold for commercial sexual exploitation or for labor trafficking, or if you are 18 or over and there is an element of force, fraud, or coercion. So I do rise in strong support of this bill which takes us even further, S. 2925.

Madam Speaker, human trafficking, or modern day slavery, is the third most lucrative criminal activity in the world. The ILO estimates illicit profits gleaned each and every year as something on the order of $31 billion. Under both Presidents Bush and Obama, domestic task forces to combat human trafficking have been established in over 40 cities, almost 900 American children have been rescued, and much thanks is owed to the FBI, State police, and local law enforcement.

Still, Madam Speaker, much more needs to be done. The National Center For Missing and Exploited Children believes that at least 100,000 American children, perhaps tens of thousands more, some estimates put it as high as 300,000, mostly runaway girls, average age 13, are exploited in the commercial sex industry each year.

S. 2925 seeks to address the lack of shelter, the lack of a safe place to go for domestic trafficking victims. As CAROLYN MALONEY said a moment ago, estimates may be as few as 100 beds—some put it at 50—and that is unconscionable.

As highly vulnerable victims, juvenile detention or some type of incarceration just doesn't meet the need. These girls require a place, a safe haven, a place where they can go where they will be helped to deal with the huge trauma that they have experienced.

The legislation authorizes six pilot grants of between $2.2 million to $2.5 million each in order to provide safe havens and psychological care to address trauma. The legislation also provides law enforcement training and beefs up reporting requirements so that missing children are immediately entered into the national missing children's database, the latter so that law enforcement finds a missing girl before the pimps do.

Madam Speaker, this is a good bill, it is a bipartisan bill, and will very tangibly assist our young runaways who sadly are so cruelly exploited by human traffickers.

As prime sponsor of the historic law to combat human trafficking—the Trafficking Victims Protection Act of 2000—and as a Member of Congress who has devoted more than 15 years seeking to prevent trafficking, protect victims from exploitation and abuse and prosecute those who enslave up to life imprisonment, I rise in strong support of S. 2925.

Human Trafficking—modern day slavery—is the third most lucrative criminal activity in the world. The ILO estimates illicit profits of over $31 billion a year.

Under both presidents Bush and Obama, domestic task forces to combat human trafficking have been established in over 40 cities. Almost 900 American children have been rescued and much thanks is owed to the FBI, state police, and local law enforcement.

Still, much more needs to be done. The National Center for Missing and Exploited Children and Shared Hope International believe that at least 100,000 American children, perhaps tens of thousands more, mostly runaway girls of the average age of 13 years old, are exploited in the commercial sex industry each year.

S. 2925 seeks to address the lack of shelter—the lack of safe place to go—for domestic trafficking victims. One estimate is that there are between 50 and 100 beds for victims of domestic trafficking.

As highly vulnerable victims, private detention or some other type of incarceration fails to recognize these young girls as cruelly exploited victims desperately in need of help.

The legislation authorizes 6 pilot grants of $2–2.5 million in order to provide safe havens and psychological care to address trauma.

The legislation also provides for law enforcement training and keys up reporting requirements so that missing children are immediately entered into the national missing children database—the latter so that law enforcement finds a missing girl before the pimps do.

Madam Speaker, my distinguished colleague CAROLYN MALONEY and I crafted the House version of the pending bill in a way that absolutely precluded the use of funds authorized by the bill from being used to subsidize the killing of the child in the womb by abortion. S. 2925 as amended includes the identical language.

The Gentlelady from New York and I have deep differences on abortion, but worked in a spirit of cooperation and resolve in order to tangibly assist domestic victims of trafficking.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN), a very strong supporter of the legislation and one who represents a shelter in his district that he is a strong supporter of.

Mr. MORAN of Virginia. Madam Speaker, I thank my very good friend and extraordinary leader on the Judiciary Committee, Congressman BOBBY

SCOTT. I appreciate your principle, Congressman SCOTT, and I am not surprised of your strong backing, nor am I of the fact that CAROLYN MALONEY and CHRIS SMITH authored this.

This bill is clearly bipartisan. There is really no reason to oppose this and every reason for this entire Congress to get behind it.

You know, the horrible situation we're addressing could happen to anyone, really, anyone that has a family. We are talking about adolescent girls, girls who are growing up. Sometimes they have a challenging family environment, but oftentimes it is simply the challenge of being an adolescent, lots of emotional issues and all. So sometimes they will run away, trying to prove something to their parents or whatever.

Oftentimes they go to a shopping mall. The mall closes down. They are afraid to go back right away to their parents. A predator starts circling the mall, an older guy, somebody that suggests they will get them food or whatever, find them a place to stay, and they trust them.

□ 1720

Oftentimes that little girl is raped, given drugs, and then she's threatened that what has happened to her is going to be exposed to her parents or to her peers. She's scared to death, and so she's afraid to break away.

In every one of these sex trafficking cases, this is about a form of slavery where the victim wants to escape and has nowhere to go. Unfortunately, as much as the need is enormous, as Mrs. MALONEY and Mr. SMITH said, 100,000—maybe it's 300,000—of these young girls, we have only a hundred shelter beds. Far too few of them. Most municipalities, particularly today, don't have the money. But there's also a whole lot of zoning issues and political reaction, NIMBYism. A neighborhood will say, Well, this is very important, just not in my neighborhood. But there's another neighborhood, for sure.

But a hundred beds is all we've got. We're not going to get more unless the Federal Government takes the initiative, provides the funding. And this is tough. Initially, they have to put up a quarter of the cost. Then it's 40 percent. By the third year, they have to find 50 percent of the funding. And by the fourth year, when these girls are dependent upon the shelter, they have to find all other funding. So this is no handout. This is just a kick-start to get communities to do something that's terribly important.

I know Mr. SMITH particularly knows all the sex trafficking that goes on around the world. We're appalled at Cambodia and Thailand and Russia and say, Well, how can this happen? And yet it's pervasive within our own society. We would rather look the other way, not knowing about it; but it's there. And we've got to do something about it.

This bill does something about it. It establishes a foundation. It will create model programs. And then what will happen is other communities realize the need. Some parents will start to speak up. And, most importantly, the victims will be empowered and secure enough to speak up themselves. They are leading this effort.

We have a shelter called Courtney's House. A young adolescent victim of sex trafficking, she named it after her daughter. It's her life's work now. We've got to do this. It's the right thing. No good reason to oppose it. And I appreciate the fact that it's bipartisan. This should be one of the last bills this Congress passes because, hopefully, it will be something we can all be very proud of.

Mr. POE of Texas. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), the former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. We rarely speak on this floor of evil. Most of the issues we talk about are areas of controversy where you can have men and women of good will with areas of disagreement. And in our society we shun the idea of talking about evil because it sounds judgmental.

This is one example where evil reigns. This is an example of one of the worst kinds of evil in our society today because this affects the most vulnerable among us, and it is a population that is largely hidden from view, in some cases because we avert our eyes. In other cases because we just don't spend the time to know.

The problem of domestic sex trafficking of minors is one that plagues virtually every community in America. That's the surprise for many people. They say, Not here, somewhere else. New York City. The big cities. But it's a problem that knows no jurisdictional boundaries, as traffickers and pimps seem to cross national and international borders with impunity. It is a problem which exploits the young and vulnerable and robs them of their innocence, and it is a problem that we can do something about.

Believe it or not, many of my constituents, many in the general Sacramento region, would be surprised to know that we hold the unfortunate distinction of having one of the highest incidences of domestic minor sex trafficking in the Nation, at least according to the FBI when they did their stings just a year or so ago. One of the reasons could be that we're at the intersection of major thoroughfares that go north and south and come east and west. That might be a comforting thought to others to think it's coming from somewhere else, but we find that most of the people come from our own region and most of them are victims.

We have a courageous police chief just outside my district in the community of Truckee, right near Lake Tahoe, Police Chief Nick Sensley. He's one of the experts in the world on this. And one of the things he always stresses in the programs he's established is this: these young women, these girls are victims. They get caught up in arrests for prostitution and the system looks at them as criminals. Yet you look at almost every single one of them and they are victims. And we don't do much about it.

Oftentimes, when these young girls are able to escape from their imprisonment because law enforcement intervenes, they're let out on the streets shortly thereafter with nowhere to go. And what happens? The pimps start coming around again. And guess what? They're the only one that gives them some perverted idea of love, affection, and commitment. This evil allows the perversion such that these young girls have no other place to look.

We have got to do something about this. We're beginning to do something in California and in Sacramento. We're beginning to do it in other areas of the country. We have to do it as a Nation even more than we have done it before because, as I say, these pimps don't recognize boundaries. They certainly don't recognize laws. They recognize one thing and that is the vulnerability of these young girls.

We have got to do something; and in this Christmas season, we can do nothing better than to give this great gift of a start towards helping communities understand the nature of the problem, begin to allow us to refuse to avert our eyes to what's happening in our own areas, and allow us to support this legislation which will help move us in the right direction.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the young lady who has worked hard on this legislation, along with many others, the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. Thank you, Mr. Chairman, for calling me young and for your able leadership on this issue.

A special recognition must be offered to Congresswoman MALONEY for her effort in bringing this to our attention. And I'm very proud to be associated with my colleagues on both sides of the aisle who have come together in a true bipartisan effort here, because I think we recognize that this is a travesty.

To speak about 300,000 youngsters in this country, girls and boys—mostly girls, but girls and boys—who are caught up in sex slavery is an abomination. And while this is a great first step—and I applaud it and embrace it and support it—it is a mere $45 million and six projects throughout the country. And we've all admitted that we're talking about hundreds of thousands of young people impacted.

So I hope as part of this effort today we are going to redouble our efforts and expand this program. Because I, like so many of you, have spoken to local DAs, have spoken to local U.S. Attorneys, have spoken to the FBI, have gone on ride-alongs in Oakland, and have witnessed firsthand what is going on. I've gone to Courtney's House. I've gone to many of the shelters and I've talked to the victims.

And I want to share just one story about one victim here in Washington, D.C., age of 16, who got caught up in this sex trafficking because she wanted to leave home and saw this as a way to make a new life because this young man took her to McDonald's and bought her lunch and then wanted to be her boyfriend. And then they needed money so, of course, she needed to sell herself. And I asked her, How many times a day were you forced to have sex? And she said between 10 and 15 times a day before she finally was able to run away.

This is horrific. And it's time for us to do much more than fund six projects across this country for $45 million. A good step—and I embrace it. But, Members, we have to do much more.

□ 1730

Mr. POE of Texas. I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the gentleman on the Crime Subcommittee. I think it is appropriate at this time to thank him for his leadership as chairman, as I have had the privilege of serving with him. I think we have had and accepted some of the most provocative and innovative bills that really changed the lives of human beings, and I thank him very much for his service.

Let me applaud as well Congresswoman MALONEY, Congressman SMITH, and my colleague from Texas.

Madam Speaker, slavery is alive, and I rise to support the underlying bill dealing with domestic trafficking and to thank the Senate for getting this over in the hours within which we have to function to make sure that we move this legislation forward.

Houston is particularly an epicenter, if you will, for this kind of activity. Being not so far away from the border, we have seen the increase of human trafficking and smuggling grow exponentially, and certainly, we all are familiar with the tragedy that happened in Victoria just a few years ago where we saw the loss of human lives that were being trafficked. So we know there is a constant, steady flow of individuals who are coming, but this is the most dastardly and heinous aspect of it. I am glad my colleagues have already indicated that this is a domestic problem, that even though we can go to Bangladesh and we can go to parts of Africa and other parts of South Asia, we find human trafficking right here in our backyard.

I remember our former colleague Hilda Solis, now the Secretary of Labor, mentioning the loss of lives of women on the Mexican-U.S. border who would just simply disappear. Some of them were prostitutes; some of them young girls; and to this day, lives and/or those girls are still missing. So the stories go on and on and on. Frankly, I think there could be no better initiative to come in these last hours than this legislation.

I want to pay tribute to some of the individuals who are on the ground, if you will, who we don't hear of quite frequently.

The sheriff in Harris County, Adrian Garcia, recognizes the devastation of human trafficking, has set up a task force, which we are working with, and has attempted to make sure that he has the funding to stop the tide of those who call themselves ''pimps'' but who project themselves as boyfriends and friends and counselors and nurturers, who take these young girls in—some girls that you never ever find again.

I want to pay tribute as well to the Children at Risk, another Houston-based organization that acknowledged and wrote a report on human trafficking that occurs in our locale. It is important to know that these various organizations really had to be self-starters because, as they began to talk about human trafficking, no one else was, and you were in a city by yourself.

Why are you talking about human trafficking? Isn't that global or international or something far away from here?

I want to pay tribute to Kathryn Griffin, who has an organization that might have a provocative name—We've Been There Done That. She is dealing with not only this broad question of human trafficking but of prostitutes who come in all ages who are attempting to rehabilitate themselves. She has established a home, and she is trying to counter the ridiculousness of 100 beds existing for these young girls who find themselves in these conditions.

So, Madam Speaker, I started out by saying that slavery does exist. I, frankly, believe that one of the aspects of this bill is to be able to go after the service builders, if you will—the pimps, the users—and to be able to ensure that there is a place for someone to go.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of Virginia. Madam Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 1½ minutes remaining.

Mr. SCOTT of Virginia. I yield 1 minute to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. This is to proclaim that we will not suffer this and tolerate this.

As my colleague from Texas indicated, we may want to be tier 1 in education, but we are not trying to be tier 1 in modern slavery, human suffering, and human smuggling. Therefore, enough is enough.

I look forward to this bill being signed by the President. I look forward to our bringing relief and acknowledging that slavery is here but that we are ready to stamp it out to save the lives of these young girls.

Mr. POE of Texas. I yield myself such time as I may consume.

I do want to thank the gentlelady from New York (Mrs. MALONEY) and the gentleman from New Jersey (Mr. SMITH), who are both sitting here together to show their support for this bipartisan legislation.

I believe that important, good legislation passes this House when it is bipartisan, and nothing could be more important than trying to protect the greatest resource we have in our community, which is those young children who live among us. This legislation is important for a whole lot of reasons.

It is ironic, Madam Speaker, that in international sex trafficking, if we have that situation in the United States where, say, a young girl is trafficked into the United States from Honduras, and she is rescued by law enforcement, she is treated like a victim of crime because she is an international individual. If the same situation occurs where an American citizen, a young girl, is trafficked from Sacramento to Houston and she is rescued in Houston, she is not treated as a victim of crime; she is generally treated as a criminal. That especially is true in places like Texas, where domestic trafficking victims are treated as criminals.

Not to blame law enforcement, but they don't know what to do with these young girls. There is no place to put them. There is no place to take them. So they file charges on them for prostitution, minors committing prostitution, so they can protect them by locking them up. That is why many times they file charges. However, though, they are not criminals. They are victims of criminal conduct. Once she has that label of prostitute, even though she is a minor, we all know because of public records nowadays that that sticks with that young girl forever no matter how it turns out in that criminal case.

So we have to change the mindset in this country to make sure that we understand when a victim—a young girl—is put in that situation because of her environment or whatever and is forced into modern day slavery, that we treat her as a victim of crime, and when she is rescued by law enforcement, that she is rescued and not put into the criminal justice system. This bill moves us in that direction, and it is important that we continue to understand that.

This is a hard situation. For the young girls who find themselves in that position—who go into prostitution because of being forced to do so—once they are rescued, they are difficult to deal with. They have a hard time coming back into a normal society because they are beat down emotionally and they are beat down physically. So it is difficult to deal with them, and it is not easy to bring them back. But just because it is hard, it is no reason we shouldn't be involved in helping the youth of our community and in making sure that we rescue them one at a

time. It is no reason we shouldn't take whatever funds are necessary to make sure that we treat them with the dignity that they deserve.

Then, on the other end, when we capture that trafficker, that individual who makes money—that filthy lucre—from transporting a child from one part of the United States to another, we treat him as he deserves, and he gets justice at the courthouse.

Then the customers who buy those children for sexual favors, we treat those people with justice. They get justice whether they want it or not, and we hold them accountable for the ways they have treated the youth of this Nation.

□ 1740

So we have a long way to go; but this is a start, recognizing that those young girls, mainly young girls, are victims of crime.

I want to thank the sponsors of this legislation. I, too, want to compliment those in the Houston area and the Rescue Alliance, the Children At Risk, a nongovernment agency that's doing everything they can to rescue those children; Sheriff Adrian Garcia, Constable Ron Hickman, all working together to stop this epidemic that is consistently growing in this country.

And I can agree that there's no more important legislation that we could pass than legislation this time of year to take care of our greatest natural resource: young children.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I want to thank the gentleman from Texas for his statement; again, thank the gentleman from New Jersey and the gentlelady from New York for their hard work on this bill. Many children in the future will benefit from the work of these two individuals and the House of Representatives and U.S. Senate.

With that, Madam Speaker, I urge my colleagues to support the bill.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of S. 2925, the "Domestic Minor Sex Trafficking and Deterrence and Victims Support Act of 2010." This bill calls for funds awarded under the Edward Byrne Memorial Justice Assistance Grant Program to be used to provide education, training, deterrence, and prevention programs relating to sex trafficking of minors. It also calls for states to treat minor victims of sex trafficking as crime victims rather than as criminal defendants or juvenile delinquents. States should adopt and amend laws that protect minors who are victims of sex trafficking, and make such minors eligible for compensation. Furthermore, S. 2925 calls for consistent law enforcement to be used to deter demands for commercial sex with sex trafficking victims.

The issues associated with the exploitation of children here in the U.S., and all over, are ones that I am very passionate about. The fact that children are recruited, harbored, transported, provided, or obtained for the purpose of a commercial sex act is appalling and I believe we should thrust our efforts behind meaningful policies and laws, such as the Domestic Minor Sex Trafficking Deterrence and Victims Support Act, that will put an end to such acts.

During the Congressional Black Caucus' Annual Legislative Conference, which took place this past September at the Washington Convention Center, I held an issue forum to bring attention to issues plaguing our Nation's children—missing children who are exploited in the commercial sex trade. In this forum, we brought together a number of professionals and experts to bring light to this issue and, more importantly, determine best practices for deterring such behavior in order to put an end to these horrid practices. Many of the methods and practices highlighted in that forum are present in S. 2925; yet another reason why I so fervently support this bill.

Hearing the statistics about the exploitation of children will make you cringe, as they are especially disturbing. Nationally, 450,000 children run away from home each year. One out of every three teens on the street will be lured toward prostitution within 48 hours of leaving home. Statistically, this means at least 150,000 children are lured into prostitution each year. The National Center for Missing and Exploited Children (NCMEC) data shows 100,000 to 293,000 children have become sexual commodities. Twelve is the average age of entry into pornography and prostitution in the U.S. This is a universal problem—these children can come from any race, ethnic group, or religious background, and all socioeconomic classes.

The common denominator amongst these children is their vulnerability. Many of these children have been emotionally bruised as a result of abuse—sexual assault and/or familial molestation. Many children vulnerable to domestic minor sex trafficking are homeless, runaways, throwaways, and youth who have ended up in the foster care system and child protective services.

Of the 2.8 million children living on the streets, which alone is an appalling statistic, over a third of them are lured into prostitution as a way to support themselves financially. Others are recruited through forced abduction or deceptive agreements between parents and traffickers. These children are often shipped off to different locations and isolated from family and peers, left to rely on a system of pimp-controlled sexual exploitation—escort and massage services, private dancing, pornographic clubs, just to name a few.

The fact that we live in a virtual world now has had a major impact on how domestic minor commercial sex trafficking takes place. The Internet has completely changed the dynamics of prostitution and trafficking, making it easier for prostitutes and traffickers to connect with clients without too many layers of intermediaries. As a result, the Internet has become an intermediary, often without the knowledge of those Internet service providers (ISPs) who are the conduits. Increasingly, certain Web sites and online marketplaces have been bearing the brunt of much criticism for providing a medium for online minor sex trafficking.

The Domestic Minor Sex Trafficking Deterrence and Victims Support Act allows us to take the necessary actions to combat this new tech-savvy generation of prostitution and minor sex trafficking. As a senior member of the House Judiciary Committee, I have had the opportunity to examine how children are trafficked in the U.S., including the role that the Internet plays, and the challenges that these cases pose to law enforcement. It is my hope that the passage of S. 2925 will make way for implementation of prevention methods that will help law enforcement place an effective road block on this horrendous practice.

Furthermore, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act addresses the unique needs of those who have been victimized by sex trafficking. As mentioned before, many of the children who end up as victims of this practice enter into the world of minor sex trafficking with scars, and leave with even more. They come from broken homes, are victims of abuse, assault, and may suffer from emotional problems. Passage of S. 2925 will provide support for victims of minor sex trafficking and help to rehabilitate survivors so that they may re-enter society successfully.

Again, I would like to reirecate, my strong support for S. 2925, the Domestic Minor Sex Trafficking Deterrence and Victims Support Act, for it is an important first step in addressing a problem that plagues our nation and the world.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, S. 2925, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTINUING APPROPRIATIONS AND SURFACE TRANSPORTATION EXTENSIONS ACT, 2011

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1782 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1782

Resolved, That upon adoption of this resolution, it shall be in order to take from the Speaker's table the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to the House amendment to the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman

from Texas (Mr. SESSIONS), my colleague on the Rules Committee. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1782.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I might consume.

Madam Speaker, House Resolution 1782 provides for consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 3082.

The rule makes in order a motion offered by the chair of the Committee on Appropriations, or his designee, for the House to concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 3082.

The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of the motion, except those arising under clause 10 of rule XXI.

The rule provides that the Senate amendment shall be considered as read.

Madam Speaker, I rise today in support of approving a continuing resolution to maintain a level and consistent funding stream for our government. It's one of our primary constitutional responsibilities as Members of Congress to keep the Federal Government running through the passage of appropriations legislation. All money spent by the Federal Government needs to be approved by this body, Madam Speaker, right here in this Congress.

This continuing resolution will ensure that all necessary and vital functions of government will continue uninterrupted until March 4, 2011, instead of grinding to a halt at midnight tonight. If we do not act now, the Federal Government will shut down tonight at midnight, something that I hope no one in our body desires.

The CR will fund the Federal Government at levels already approved by the House in the FY 2010 appropriations bills, aside from a small number of programs that both parties in the Senate have agreed on that would otherwise expire or be severely disrupted. It is a very straightforward measure, Madam Speaker, to keep the government running and get us through the next few months and into the next Congress. These are funding levels that we have voted on multiple times. This language is the result of bipartisan negotiations in the Senate, and it's my hope that my colleagues on the other side of the aisle will work with us now to move this important measure forward to passage and avoid a government shutdown.

We have 4 days until the Christmas holiday, and we are just weeks away from the end of the year. I can't think of anything that we would do to undermine the work that this Congress has done these last 2 years through a shutdown of the Federal Government. The uncertainty that a failure to pass this rule would lead to is the last thing our Nation's retailers or economy need, let alone the millions of Americans who depend on critical services of our Federal Government.

Let me give an example, Madam Speaker. The next few days are amongst the busiest travel times of the year. Is it wise to cut off at midnight tonight funding for our Federal air marshals? This CR would allow the Federal air marshals to maintain the existing 2010 fourth-quarter coverage levels for international and domestic flights. This funding allows for continued air marshal training, including investigative techniques, criminal terrorist behavior recognition, firearms proficiency. This funding allows the Federal air marshals to fulfill their mission of protecting air passengers and crews.

This funding is critical especially during this peak holiday travel time. What a Christmas gift it would be, Madam Speaker, to all of the families across our country traveling to visit their loved ones if the airports are closed, their flights indefinitely delayed, Grandma's visit over Christmas is canceled because Congress chose to be a grinch. Madam Speaker, it's for families across our country that we must ensure that our airports and travel remain open through this busy holiday season to allow people to visit loved ones across this country.

This CR would also allow the commissioner of U.S. Customs and Border Protection to maintain the levels of Customs and Border Protection personnel in place in the final quarter of 2010. This would provide proper funding to keep terrorists and their weapons out of the U.S., secure and facilitate trade and travel, and enforce hundreds of U.S. trade regulations, including immigration and drug laws. U.S. Customs and Border Protection law enforcement serve as America's front line on our Nation's borders and ports of entry. It's important we maintain a consistent level of personnel at our Nation's borders.

If we fail to pass this CR, Madam Speaker, it would be a Christmas gift—it would be a Christmas gift to terrorists and criminal cartels, because were we to let down our watch on our borders during this holiday season by interrupting these funds, we would be jeopardizing the U.S. Customs and Border Patrol's ability to do their job and protect America. This funding will enable these officers to inspect our borders, process trade, combat terrorism, and combat smuggling.

In addition to extending the existing authority for the Department of Homeland Security to regulate chemical facilities that are high levels of risk for terrorist attacks, this CR also maintains the additional $23 million in funding for the Department of the Interior's new Bureau of Ocean Energy Management. Madam Speaker, this is the program that monitors offshore oil rigs. In light of the disaster we all witnessed unfold this summer in the Gulf of Mexico, can we all imagine what would happen if we let down our watch now?

These funds are critical to ensure that tragedies like the Deepwater Horizon spill are not repeated. These funds allow existing rigs to continue operating in a manner that's safe to workers on the rigs and the environment. Interrupting these funds would be putting offshore oil rig workers' lives in danger, the environment in danger, and our economy in danger with potentially devastating impact in Florida and Texas and the other gulf States.

This continuing resolution also provides continued funding for important allies such as Israel, Egypt, and Jordan at fiscal year 2009 supplemental levels. By providing assistance and aid to our allies in the Middle East, we strengthen our position and make a vital investment in national security.

It also continues the rate of operations for the Pakistan Counterinsurgency Capability Fund at $700 million. This section also continues the terms and conditions included in the 2009 and 2010 supplemental which helped build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions.

□ 1750

Madam Speaker, this Christmas season is not a time to let down our global watch on the war on terror. We must redouble our efforts, particularly with regard to assisting Pakistan with regard to their counterinsurgency efforts to root out al Qaeda operatives within their borders.

This CR would also support vital programs that are important to the American people. These programs include Federal funding to levels 2007 before the crisis for our national domestic priorities. These funding levels would provide low-income home energy assistance, Pell Grant assistance, and assisting the processing of veterans' benefits and supporting over $4.3 billion in reduced fee loans for small businesses.

It is critical that we make sure that families across America are able to enjoy their holidays free of airport closures and free of flight cancellations. So, too, must this body ensure that we don't give a Christmas gift to the wrong people—the drug cartels and criminal terrorists that threaten our Nation's security.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is my understanding from prior conversations with the gentleman from Colorado (Mr.

POLIS) that it would be his idea we would take the minimum amount of time, and I appreciate him yielding the customary 30 minutes to me and trying to work through the loads so we are able to get home.

I would like to inquire of the gentleman if he has any further speakers that he would anticipate at this time on his side.

Mr. POLIS. I have one speaker.

Mr. SESSIONS. I reserve the balance of my time.

Mr. POLIS. I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Madam Speaker, I thank the gentleman for his leadership, and I want to take this opportunity to express on the floor of the House my appreciation to Chairman OBEY for his years of service. We have had opportunities to thank him personally, but I wanted the RECORD to reflect that this may be his last CR, and I don't want to misspeak because I know that he finds ways to do good so we may see him again, but I do want to express my appreciation. And I also want to recognize his partner, the ranking member, Mr. LEWIS, as well.

I want to acknowledge that this is something we have to do to keep the government open, so I wanted to express my appreciation and my concern. First of all, let me go to the Transportation Security Administration. I am the subcommittee chair on the Transportation Security and Infrastructure Protection Subcommittee. It is interesting as we near the holiday, Christmas coming on Saturday, we are reminded certainly of the Christmas Day bomber of 2009. So as millions of Americans are now traveling and will continue to travel through this holiday season to gather with friends and family, domestically and internationally, we recognize the importance of providing transfer authority for TSA to allow for efforts against terrorist attacks such as what occurred in the Northwest Flight 253 and the recent attempts against all cargo.

In addition, we recognize the importance of increased staff. This is the holiday time. There will be overtime, and we want to make sure that all of the levels of intensity, of ramping up are provided for, and I am very grateful that this CR chose to do that.

Additionally, many of us have heard from our small businesses, and this will prevent the elimination of funding of reduced loans for small businesses.

I want to raise something very quickly. I am a supporter of providing qualified teachers for our inner city schools, and even had a daughter work for a group called Teach for America. These are outstanding and well-informed individuals. I raise a question, because my district is dominated by inner city schools, of the change of definition of ''highly qualified teacher'' that would include those in the Teach for America, that a recent graduate, does that in fact eliminate our experienced teachers, that is, take away from the training of those experienced teachers? I would raise that concern.

Finally, I close by simply saying I view this as an important step, but I am disappointed we had to go this route and we could not look to a rational response to the work that so many of us have done. Some may call them earmarks. I call them designations of funding in cooperation, collaboration with our executive.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. POLIS. I yield an additional 30 seconds.

Ms. JACKSON LEE of Texas. It is a tragedy that, for example, a group that houses victims of human trafficking will not be able to be responded to, or a group that deals with those who are trying to rebuild their lives as ex-offenders will not get funding and that infrastructure projects will not get funding. Let me remind my colleagues, you don't save money; you just hand it over to the executive and it finds its way in some other direction.

I am delighted we stand here today, continue to have the government work, and I appreciate the great work that was done for the CR.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise in support of making further continuing appropriations for fiscal year 2011. This measure will continue to assure funding for all Federal Government agencies and allow the Government to continue its day to day operations through March 4, 2011, provided under Public Law 111–242, the first fiscal year 2011 Continuing Resolution (CR).

This Continuing Resolution will basically fund the Government at levels previously approved by the House for fiscal year 2010. It is of great importance that this Congress continues to decide how best to finalize fiscal year 2011 spending and explore ways to equitably decrease the national deficit.

As a Member of Congress, it is a critical constitutional responsibility to assure continued funding streams for the Federal Government. This Continuing Resolution will ensure that all necessary and key functions of Government will continue unimpeded until Congress finalizes our work with the passage of final appropriations legislation. There have been a few exceptions, but at least one Continuing Resolution has been enacted for each fiscal year since 1955.

As we rapidly approach the holiday season, and the end of the year is only 10 days away, there is no greater business before this chamber than keeping our Federal Government up and running. Especially during this crucial time of transition, the citizens of the United States are depending upon us to keep the Federal Government fully operational. We must provide a sense of certainty and stability as our country continues to recover from recession and remains engaged in two wars abroad.

I must say that I am very disturbed that we cannot get our colleagues to cooperate in a bipartisan manner to pass essential appropriations bills and must instead resort to short-term continuing resolutions. However, with the funding for all Federal agencies and programs set to expire at midnight tonight, it is imperative that we pass this Continuing Resolution. It is crucial that we continue to fund Government agencies and programs without interruption. We must keep this Nation moving forward toward progress.

In recent days and months, unnecessary partisan battles in both chambers have been waged over expenditures included in appropriations measures. Partisan finger-pointing and squabbling have hindered the passage of appropriations bills and had a negative impact on our economic recovery. This Continuing Resolution has suffered the same fate. I would like to remind all of my colleagues that appropriations are built-in by law to permit Members of Congress to identify and provide funding for useful and necessary projects in their districts. Specifically, in my home district of Houston, I fought hard to include in the Continuing Resolution, a total of $175,595,558 in appropriations funding for fiscal year 2011.

These projects create jobs, rebuild our infrastructure and benefit our districts, our States and our country, as well. Though I recommended funding for critical transportation and infrastructure projects in Houston, Texas, unfortunately this funding was excluded from the Continuing Resolution. Though an opportunity to improve our national economy was lost, I will continue to fight for the funding of such useful, necessary and economically productive projects in Houston and support the funding of these types of projects nationwide.

Overall, the Continuing Resolution will generally benefit the citizens of Houston and the entire country by continuing to fund important government programs without interruption. As we move forward, it is my hope that both chambers in the House and Senate will take a bipartisan approach to moving vitally important appropriations legislation which includes useful, necessary, job creating and economy-building projects from our districts. This is the fiscally responsible course and grows and strengthens our economy in the long run.

In summation, I urge my colleagues to vote in favor of this Continuing Resolution as we continue the work of the Federal Government.

Mr. SESSIONS. I yield myself the balance of my time.

Madam Speaker, today is a historic day, also, as two of the stalwarts of this House of Representatives perhaps are here tonight to argue as chairman and ranking member of the Appropriations Committee on behalf of not only themselves, their committee, but also the teams they represent. The gentleman from Wisconsin (Mr. OBEY) perhaps will be on the floor tomorrow, I don't know, but tonight I will be here, and I would like to recognize the service that Mr. OBEY has given the United States Congress. I have been with Mr. OBEY over a number of times in the last 14 years up in the Rules Committee. I have seen him very early in the morning and very late in the day. Mr. OBEY has presented himself not only in a professional manner, but represented his party and its thoughts very well. It would be my hope I would be able to offer a warm hand and extension to him to say: Job well done, sir.

Also, on my side, the gentleman from California (Mr. LEWIS) will be on the floor in just a few moments as they present this final spending package, the CR. Mr. LEWIS has been a very dear

friend of mine over the years. He has been very gracious about hearing the activities I believe are important, including those of the gentlewoman from Wisconsin who sits in the chair tonight as the Speaker pro tempore, for issues related to sight, retinal issues, and the ability we have to create a better life for those who have lost their sight. Mr. LEWIS has been very responsive to not only this Member but also to others in this body in dealing with health issues, understanding that research and development is a key part of technology in medical breakthroughs for people who count on us making wise choices with how we spend people's money.

So I would want to extend to both of these gentlemen thanks for a job well done, knowing that tonight they will be ready to go home for Christmas and the holidays.

Madam Speaker, the Republican Party finds itself in the position where we are here on the floor just a few days before Christmas. The gentleman from Colorado (Mr. POLIS) has outlined the exact need of not only this administration but, I believe, forthrightly, the American people and certainly this Congress, the ability to make sure that we act responsibly, that we provide the funding that is necessary. The President of the United States has asked for this. The President of the United States has a constitutional authority to move forward, and I believe that that is a rational argument.

The Republican Party finds itself in a circumstance where we have attempted, for quite some time, to bring to the attention of the majority what we believe is an overriding need to cut the amount of spending that is taking place by the United States Congress. I believe it has created excessive not only spending, a bloated government, and an inadequate ability by the free enterprise system to get out of the way of government; that a government that is empowered to roll over the free enterprise system and individuals who are in the marketplace perhaps, also. In the scheme of things, the Republican Party is worried about the future of this country and what our children and our grandchildren will have to pay with a monster debt that looms over us.

I recognize, I think the entire country recognizes, that this debt, the doubling and tripling of debt that is underway, came as a result of a political opportunity with the Democratic Party by the President, the House, and the Senate to collectively determine that they were going to go and increase spending in a dramatic basis.

□ 1800

The Republican Party, through myself as the Rules Committee person, recognizes that we, once again, are here on the floor of the House of Representatives at the late hour, even though I believe what is inevitable is here with this continuing resolution to say, We believe there should have been a better effort on behalf of this majority to substantially review not only the excessive spending but to put into place those stopgap measures which would prove to the American people that Washington, D.C., does get it.

What we need to get is this: as we loom and roll forward in the future, another debt limit opportunity vote that means that we will have to take the tough votes here on this floor and raise that debt limit so that we are as responsible as we are tonight, what has been described by Mr. POLIS, about making sure the government funds itself.

The Republican Party believes we should have immediately last year when we recognized not only continued unemployment, massive debt, have done something about stopping the spending. We spend about $4.5 billion too much every day, more than what comes in. And that $4.5 billion is important. When you add it all up, it amounts to about 40 percent of all of the spending going to debt.

So we don't have to yell and scream. We have to succinctly come to the floor. We have to protect the turf that we believe is best for the American people, and that is, I will tell you, on January 5 when we elect a new Speaker and the Republican Party becomes the majority, we pledge ourselves to having not only the ideas about how to turn this country around, but I believe we will have the guts to make tough votes. And we will ask the American people to listen and look at every single vote we make.

Today, we are kicking the can down the road. Today, I guess we are ready to go home. The Republican Party is here to say, We disagree. We think every dollar and every penny that is being spent to the detriment of the future of this country is a problem. So that's what we are doing here today.

I appreciate the gentlewoman not only for her efforts of tireless sitting in the chair today, but I also recognize our leaders, the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. LEWIS). I thank the gentleman from Colorado (Mr. POLIS) and wish him the very best of holiday seasons.

Madam Speaker, just this morning, I stood right here to do a rule and pointed out that my democrat colleagues continue to use an unprecedented, restrictive, and closed process on the House floor, and here I am again to tell the same story. In fact, this is the third Continuing Resolution rule I have done this month.

Week after week my friends on the other side of the aisle continue to bull-dose their massive spending agenda through the floor of the House with no Republican input, and no regular order.

What was promised to be the most "open, honest and ethical" Congress by Speaker PELOSI when she took the gavel, has been the most closed, and one-sided Congress in history. The American people asked for changes in 2008 and they got something far worse. They received a Democrat Congress that doesn't listen to the American people, and a Congress that acts on their own interest and not the interest of the American taxpayer.

Madam Speaker, in two weeks that will change. But until then, I am here to discuss another closed rule for another Continuing Resolution. The legislation before us continues to overspend—a common theme over the last two Congresses.

The underlying legislation is a CR to keep the government running for 2 months. The Democrats provided no budget for this year and the President has not signed one appropriations bill into law—so this legislation and rule is just another tactic to keep the government running until the Majority can kick the responsibility to the Republicans next Congress.

Over the past three years, non-defense, non-homeland security, and non-veterans affairs discretionary spending has increased by a staggering 88 percent. In the meantime, the Nation's debt has risen to $13.5 trillion, there have been yearly record deficits since the Democrats took the Majority, and the unemployment rate has been at or above 9.5 percent for 18 consecutive months.

This CR does almost nothing to reverse this trend and instead continues the unsustainable, high rate of spending passed the Democrat Majority this year. This includes more spending for many federal agencies that received massive increases with the Democrat Stimulus bill in 2009. My Republican colleagues and I have pledged to cut non-security spending back the fiscal year 2008 levels which would save American taxpayers nearly $100 billion in the first year.

The American people are fed-up with the tax, borrow and spend policies of the past 4 years, which has brought nothing but unemployment, debt and deficit. Americans have called for an end to reckless spending and a new era of fiscal discipline, yet it continues to fall on deaf ears here today. This country needs leaders that are willing to make the tough fiscal decisions that will provide economic stability and job growth, not just more of the same.

In true fashion, my democrat colleagues continue to push their own agenda on the American people. They have shut out Republicans over the past 4 years, and they continue to shut out the American people. Continuing on the path of reckless government spending, will only put the U.S. further in debt burdening future generations. Congress must do better for the American people. I oppose this rule.

Madam Speaker, you have heard me say it over and over, but the American people we promised an "open, honest and ethical" Congress, and that is not what they have received. Congress only received the text of this legislation a few hours ago. American's have called for transparency and bipartisanship and have only seen a secretive dictatorship.

I ask my colleagues to vote "no" on the rule. Vote no to stop the reckless fiscal policies that Speaker PELOSI and the Democrats have pursued over the last 4 years. It is time to end the idea of big government and big spending.

I yield back the balance of my time.

Mr. POLIS. Madam Speaker, I want to further describe something that the gentlelady from Texas mentioned in her remarks, that this continuing resolution would expand the Federal definition of ''highly qualified teacher'' to

include a wider range of teachers, including those who are alternatively certified. This is particularly important for programs where the data shows they are effective, like Teach For America that help improve student outcomes, particularly among our most at-risk students. This definition would support greater local district control and flexibility to help ensure that good teachers are in public school classrooms.

This was, from a policy perspective, largely agreed upon by Democrats and Republicans in policy circles around the definition of highly qualified. But a court recently said that previous language was unable to be interpreted in this way. So, Madam Speaker, we are using this continuing resolution to ensure that these good teachers can stay in the classrooms and that programs like Teach For America can confidently move forward instead of losing their ability to teach midway through the school year.

Madam Speaker, tonight we are on the brink of a government shutdown if we fail to pass this CR, and we shouldn't let our partisan bickering between 99 cents or $1 or $1.01 grind the entire economy of this Nation to a halt, allowing drug cartels carte blanche on the border, and making sure that grandma can't visit the kids in Topeka.

The House has done its part to keep the government funded. We passed a full year-long continuing resolution 2 weeks ago. We acted quickly to maintain government operations, and the Senate failed to overcome obstructionism. Today our situation is that we have what some on both sides, I am sure, would agree is an imperfect continuing resolution that will fund the Federal Government in the new year, which is clearly preferable to a government shutdown in the holiday season.

Madam Speaker, I urge my colleagues to join me in support of this rule. I thank Chairman OBEY for his leadership not only on this bill and on this continuing resolution but for his hard work and his staff's hard work.

Madam Speaker, the House did pass two appropriation bills this year, the Transportation-HUD appropriation and Military Construction/Veterans Affairs appropriation, and the Senate hasn't passed a single one. So rather than continuing on with futile work, I think it is important that we get about our business of funding government to ensure that we can move forward with the spirit of Chairman OBEY guiding us in the 112th Congress to continue our work in the appropriations process. I praise Chairman OBEY and the staff for their hard work on this bill.

I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. OBEY. Madam Speaker, pursuant to House Resolution 1782, I call up the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment to the House amendment to the Senate amendment.

The text of the Senate amendment to the House amendment to the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted, insert the following:

TITLE I—CONTINUING APPROPRIATIONS AMENDMENTS

SECTION 1. (a) The Continuing Appropriations Act, 2011 (Public Law 111–242) is further amended by—

(1) striking the date specified in section 106(3) and inserting ''March 4, 2011''; and

(2) adding the following:

''SEC. 147. (a) For the purposes of this section—

''(1) the term 'employee'—

''(A) means an employee as defined in section 2105 of title 5, United States Code; and

''(B) includes an individual to whom subsection (b), (c), or (f) of such section 2105 pertains (whether or not such individual satisfies subparagraph (A));

''(2) the term 'senior executive' means—

''(A) a member of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code;

''(B) a member of the FBI–DEA Senior Executive Service under subchapter III of chapter 31 of title 5, United States Code;

''(C) a member of the Senior Foreign Service under chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following); and

''(D) a member of any similar senior executive service in an Executive agency;

''(3) the term 'senior-level employee' means an employee who holds a position in an Executive agency and who is covered by section 5376 of title 5, United States Code, or any similar authority; and

''(4) the term 'Executive agency' has the meaning given such term by section 105 of title 5, United States Code.

''(b)(1) Notwithstanding any other provision of law, except as provided in subsection (e), no statutory pay adjustment which (but for this subsection) would otherwise take effect during the period beginning on January 1, 2011, and ending on December 31, 2012, shall be made.

''(2) For purposes of this subsection, the term 'statutory pay adjustment' means—

''(A) an adjustment required under section 5303, 5304, 5304a, 5318, or 5343(a) of title 5, United States Code; and

''(B) any similar adjustment, required by statute, with respect to employees in an Executive agency.

''(c) Notwithstanding any other provision of law, except as provided in subsection (e), during the period beginning on January 1, 2011, and ending on December 31, 2012, no senior executive or senior-level employee may receive an increase in his or her rate of basic pay absent a change of position that results in a substantial increase in responsibility, or a promotion.

''(d) The President may issue guidance that Executive agencies shall apply in the implementation of this section.

''(e) The Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) shall be applied using the appropriate locality-based comparability payments established by the President as the applicable comparability payments in section 1914(2) and (3) of such Act.

''SEC. 148. Notwithstanding section 101, the level for 'Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses' shall be $40,649,000.

''SEC. 149. The following authorities shall continue in effect through the earlier of the date specified in section 106(3) of this Act or the date of enactment of the National Defense Authorization Act for Fiscal Year 2011:

''(1) Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441);

''(2) Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441);

''(3) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1014 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442);

''(4) Sections 611, 612, 613, 614, 615, 616, 1106, 1222(e), 1224 and 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84);

''(5) Section 631 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181); and

''(6) Section 931 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

''SEC. 150. Subject to the availability of appropriations, the Secretary of the Navy may award a contract or contracts for up to 20 Littoral Combat Ships (LCS).

''SEC. 151. Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

''(1) in clause (i), by striking 'October 1, 2010' and inserting 'December 31, 2011'; and

''(2) in clause (ii)—

''(A) by striking 'February 1, 2011' and inserting 'February 1, 2012'; and

''(B) by striking 'October 1, 2010' and inserting 'December 31, 2011'.

''SEC. 152. Notwithstanding section 101, the level for 'Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses' shall be $36,300,000.

''SEC. 153. Public Law 111–240 is amended in section 1114 and section 1704 by striking 'December 31, 2010' and inserting 'March 4, 2011' each time it appears and in section 1704 by adding at the end the following:

'''(c) For purposes of the loans made under this section, the maximum guaranteed amount outstanding to the borrower may not exceed $4,500,000.'

''SEC. 154. The appropriation to the Securities and Exchange Commission pursuant to this Act shall be deemed a regular appropriation for purposes of section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) and sections 13(e), 14(g), and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee).

''SEC. 155. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking 'December 31, 2010' each place it appears and inserting 'December 31, 2011'.

''SEC. 156. Notwithstanding section 503 of Public Law 111–83, amounts made available in this Act for the Transportation Security Administration shall be available for transfer between and within Transportation Security Administration appropriations to the extent necessary to

avoid furloughs or reduction in force, or to provide funding necessary for programs and activities required by law: Provided, That such transfers may not result in the termination of programs, projects or activities: Provided further, That the House and Senate Appropriations Committees shall be notified within 15 days of such transfers.

''SEC. 157. Up to $21,880,000 from 'Coast Guard, Acquisition, Construction, and Improvements' and 'Coast Guard, Alteration of Bridges' may be transferred to 'Coast Guard, Operating Expenses': Provided, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU–25 aircraft, the Maritime Intelligence Fusion Center, and one Maritime Safety and Security Team, and make staffing changes at the Coast Guard Investigative Service, as outlined in its budget justification documents for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives.

''SEC. 158. Notwithstanding section 101, the final proviso under the heading 'Science and Technology, Research, Development, Acquisition, and Operations' in Public Law 111–83 (related to the National Bio- and Agro-defense Facility) shall have no effect with respect to all amounts available under this heading.

''SEC. 159. Notwithstanding sections 101 and 128, amounts are provided for 'Department of the Interior—Minerals Management Service—Royalty and Offshore Minerals Management' in the manner authorized in Public Law 111–88 for fiscal year 2010, except that for fiscal year 2011 the amounts specified in division A of Public Law 111–88 shall be modified by substituting—

''(1) '$200,110,000' for '$175,217,000';

''(2) '$102,231,000' for '$89,374,000';

''(3) '$154,890,000' for '$156,730,000' each place it appears; and

''(4) 'fiscal year 2011' shall be substituted for 'fiscal year 2010' each place it appears.

''SEC. 160. The Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement, may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take any other administrative actions necessary in conformance with the Appropriations Committee reprogramming procedures described in the joint explanatory statement of the managers accompanying Public Law 111–88 (House of Representatives Report 111–316).

''SEC. 161. Notwithstanding section 101, section 423 of Public Law 111–88 (123 Stat. 2961), concerning the distribution of geothermal energy receipts, shall have no force or effect and the provisions of section 3003(a) of Public Law 111–212 (124 Stat. 2338) shall apply for fiscal year 2011.

''SEC. 162. Notwithstanding section 109, of the funds made available by section 101 for payments under subsections (b) and (d) of section 2602 of the Low Income Home Energy Assistance Act of 1981, the Department of Health and Human Services shall obligate the same amount during the period covered by this continuing resolution as was obligated for such purpose during the comparable period during fiscal year 2010.

''SEC. 163. (a) A 'highly qualified teacher' includes a teacher who meets the requirements in 34 C.F.R. 200.56(a)(2)(ii), as published in the Federal Register on December 2, 2002.

''(b) This provision is effective on the date of enactment of this provision through the end of the 2012–2013 academic year.

''SEC. 164. (a) Notwithstanding section 101, the level for 'Department of Education, Student Financial Assistance' to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be $23,162,000,000.

''(b) The maximum Pell Grant for which a student shall be eligible during award year 2011–2012 shall be $4,860.

''SEC. 165. (a) Notwithstanding section 1018(d) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(d)), the use of any funds appropriated to the United States Capitol Police during fiscal year 2003 for transfer relating to the Truck Interdiction Monitoring Program to the working capital fund established under section 328 of title 49, United States Code, is ratified.

''(b) Nothing in subsection (a) may be construed to waive sections 1341, 1342, 1349, 1350, or 1351 of title 31, United States Code, or subchapter II of chapter 15 of such title (commonly known as the 'Anti-Deficiency Act').

''(c) Notwithstanding section 106 of this Act, the use of the funds described under subsection (a) of this section shall apply without fiscal year limitation.

''SEC. 166. Notwithstanding section 101, amounts are provided for 'Department of Veterans Affairs, Departmental Administration, General Operating Expenses' at a rate for operations of $2,546,276,000, of which not less than $2,148,776,000 shall be for the Veterans Benefits Administration.''.

(b) This section may be cited as the ''Continuing Appropriations Amendments, 2011''.

TITLE II—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

SEC. 2001. SHORT TITLE; RECONCILIATION OF FUNDS.

(a) This title may be cited as the ''Surface Transportation Extension Act of 2010, Part II''.

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this title in fiscal year 2011 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2010 for the period beginning on October 1, 2010, and ending on December 31, 2010.

Subtitle A—Federal-Aid Highways

SEC. 2101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 411 of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78) is amended—

(1) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010'' each place it appears (except in subsection (c)(2)) and inserting ''the period beginning on October 1, 2010, and ending on March 4, 2011'';

(2) in subsection (a) by striking ''December 31, 2010'' and inserting ''March 4, 2011'';

(3) in subsection (b)(2) by striking ''1/4'' and inserting ''155/365'';

(4) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''1/4'' and inserting ''155/365''; and

(ii) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010,'' and inserting ''the period beginning on October 1, 2010, and ending on March 4, 2011'';

(B) in paragraph (4)—

(i) in subparagraph (A)(ii) by striking ''1/4'' and inserting ''155/365''; and

(ii) in subparagraph (B)(ii)(II) by striking ''$159,750,000'' and inserting ''$271,356,164''; and

(C) in paragraph (5) by striking ''1/4'' and inserting ''155/365'';

(5) in subsection (d)—

(A) by striking ''1/4'' each place it appears and inserting ''155/365''; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(6) in subsection (e)(1)(B) by striking ''1/4'' and inserting ''155/365''.

(b) ADMINISTRATIVE EXPENSES.—Section 412(a)(2) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 83) is amended—

(1) by striking ''$105,606,250'' and inserting ''$179,385,959''; and

(2) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''the period beginning on October 1, 2010, and ending on March 4, 2011''.

Subtitle B—Extension of National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

SEC. 2201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $99,795,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $45,967,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $10,616,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $52,870,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $14,651,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $59,027,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $1,748,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $12,315,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $2,973,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $10,756,000 for the period beginning on October 1, 2010, and ending on March 4, 2011.''.

SEC. 2202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(7) of title 49, United States Code, is amended by striking ''$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$88,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(G) of title 49, United States Code, is amended by striking ''$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.''.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' after ''2009,''; and

(B) by striking ''and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $10,616,000 for the period beginning October 1, 2010, and ending on March 4, 2011.'';

(2) in paragraph (2) by striking ''and $8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $13,589,000 for the period beginning October 1, 2010, and ending on March 4, 2011.'';

(3) in paragraph (3) by striking ''and $1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $2,123,000 for the period beginning October 1, 2010, and ending on March 4, 2011.'';

(4) in paragraph (4) by striking ''and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $10,616,000 for the period beginning October 1, 2010, and ending on March 4, 2011.''; and

(5) in paragraph (5) by striking ''and $756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $1,274,000 for the period beginning October 1, 2010, and ending on March 4, 2011.''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''2009, $15,000,000 for fiscal year 2010, and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''2010 and $6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)'' and inserting ''(and up to $12,315,000 for the period beginning October 1, 2010, and ending on March 4, 2011)''.

(f) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d)(6) of SAFETEA–LU (119 Stat. 1736) is amended by striking ''$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $3,397,260 for the period beginning October 1, 2010, and ending on March 4, 2011.''.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2010'' and all that follows before ''to carry out'' and inserting ''2010, and $425,545 to the Federal Motor Carrier Safety Administration, and $1,274,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2010, and ending on March 4, 2011,''.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1744) is amended by striking ''$252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,'' and inserting ''$425,545 for the period beginning on October 1, 2010, and ending on March 4, 2011,''.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1748) is amended by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA–LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

SEC. 2203. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''through 2010'' and all that follows before ''shall be available'' and inserting ''through 2010 and $531,000 for the period beginning on October 1, 2010, and ending on March 4, 2011''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking ''For each of fiscal years 2006'' and all that follows before paragraph (1) and inserting the following: ''For each of fiscal years 2006 through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011 the balance of each annual appropriation made in accordance with the provisions of section 3 remaining after the distributions for administrative expenses and other purposes under subsection (b) and for multistate conservation grants under section 14 shall be distributed as follows:''; and

(2) in subsection (b)(1)(A) by striking the first sentence and inserting the following: ''From the annual appropriation made in accordance with section 3, for each of fiscal years 2006 through 2010, and for the period beginning on October 1, 2010, and ending on March 4, 2011, the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in the implementation of this Act, in accordance with this section and section 9.''.

(c) SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.—Section 327(i)(1) of title 23, United States Code, is amended by striking ''6 years after'' and inserting ''7 years after''.

(d) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 510 of title 23, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION.—Notwithstanding any other provision of this section, the Secretary may use funds made available to carry out this section for implementation of research products related to the future strategic highway research program, including development, demonstration, evaluation, and technology transfer activities.''.

Subtitle C—Public Transportation Programs

SEC. 2301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

SEC. 2302. SPECIAL RULE FOR URBANIZED FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking ''DECEMBER 31, 2010'' and inserting ''MARCH 4, 2011'';

(2) in subparagraph (A) by striking ''December 31, 2010'' and inserting ''March 4, 2011''; and

(3) in subparagraph (E)—

(A) in the paragraph heading, by striking ''DECEMBER 31, 2010'' and inserting ''MARCH 4, 2011''; and

(B) in the matter preceding clause (i) by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

SEC. 2303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of such title is amended—

(1) In paragraph (2)—

(A) in the paragraph heading by striking ''DECEMBER 31, 2010'' and inserting ''MARCH 4, 2011'';

(B) in the matter preceding paragraph (A) by striking ''December 31, 2010'' and inserting ''March 4, 2011''; and

(C) in subparagraph (A)(i), by striking ''$50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$84,931,000 for the period beginning October 1, 2010 and ending March 4, 2011''.

(2) in paragraph (6)—

(A) in subparagraph (B) by striking ''$3,750,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$6,369,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011'';

(B) in subparagraph (C) by striking ''$1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$2,123,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011''.

(3) in paragraph (7)—

(A) in clause (ii) of subparagraph (A)—

(i) in the clause heading, by striking ''DECEMBER 31, 2010'' and inserting ''MARCH 4, 2011'';

(ii) by striking ''$2,500,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$4,246,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011'';

(iii) by striking ''25 percent'' and inserting ''155/365ths''.

(4) in subparagraph (B), by amending clause (vi) to read, ''$5,732,000 for the period beginning October 1, 2010 and ending March 4, 2011''.

(5) in subparagraph (C) by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

(6) in subparagraph (D) by striking ''$8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$14,863,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011'';

(7) in subparagraph (E) by striking ''$750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$1,273,000 shall be available for the period beginning October 1, 2010 and ending March 4, 2011''.

SEC. 2304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $6,369,000 for the period beginning October 1, 2010 and ending March 4, 2011.''.

SEC. 2305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337(g) of title 49, United States Code, is amended to read as follows:

''(g) SPECIAL RULE FOR OCTOBER 1, 2010, THROUGH MARCH 4, 2011.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning October 1, 2010, and ending March 4, 2011, in accordance with subsection (a), except that the Secretary shall apportion 155/365ths of each dollar amount specified in subsection (a).''.

SEC. 2306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) By amending paragraph (1)(F) as follows:

''(F) $3,550,376,000 for the period beginning October 1, 2010, and ending March 4, 2011.''.

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''$28,375,000 for the period beginning October 1,

2010, and ending December 31, 2010'' and by inserting ''$48,198,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(B) in subparagraph (B) by striking ''$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$1,766,730,000 for the period beginning October 1, 2010, and ending March 4, 2011'';

(C) in subparagraph (C) by striking ''$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010'' and by inserting ''$21,869,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(D) in subparagraph (D) by striking ''$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and by inserting ''$707,691,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(E) in subparagraph (E) by striking ''$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$417,863,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(F) in subparagraph (F) by striking ''$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$56,691,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(G) in subparagraph (G) by striking ''$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$197,465,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(H) in subparagraph (H) by striking ''$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$69,856,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(I) in subparagraph (I) by striking ''$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and inserting ''$39,280,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(J) in subparagraph (J) by striking ''$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and by inserting ''$11,423,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(K) in subparagraph (K) by striking ''$875,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and by inserting ''$1,486,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(L) in subparagraph (L) by striking ''$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and by inserting ''$10,616,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(M) in subparagraph (M) by striking ''$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and by inserting ''$197,465,000 for the period beginning October 1, 2010 and ending March 4, 2011''; and

(N) in subparagraph (N) by striking ''$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010'' and by inserting ''$3,736,000 for the period beginning October 1, 2010 and ending March 4, 2011''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(6) of title 49 United States Code, is amended to read as follows:

''(6) $849,315,000 for the period of October 1, 2010 through March 4, 2011.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking ''$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$29,619,000 for the period beginning October 1, 2010 and ending March 4, 2011'';

(2) paragraph (3)(A)(ii) is amended to read as follows:

''(ii) OCTOBER 1, 2010 THROUGH MARCH 4, 2011.—Of amounts authorized to be appropriated for the period beginning October 1, 2010, through March 4, 2011, under paragraph (1), the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 155/365ths of the amount allocated for fiscal year 2009 under each such subparagraph.'';

(3) Paragraph (3)(B)(ii) is amended to read as follows:

''(ii) OCTOBER 1, 2010 THROUGH MARCH 4, 2011.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning October 1, 2010, and ending March 4, 2011, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 155/365ths of the amount allocated for fiscal year 2009 under each such clause.'';

(4) In clause (3)(B)(iii)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking ''2009'' and inserting ''2010''.

(d) ADMINISTRATION.—Section 5338(e)(6) of title 49, United States Code, is amended to read as follows—

''(6) $42,003,000 for the period of October 1, 2010 through March 4, 2011.''.

SEC. 2307. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA–LU (Public Law 109–59; 119 Stat. 1572) is amended by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of the SAFETEA–LU (49 U.S.C. 5309 note) is amended—

(1) in subsection (c)(5), by striking ''December 31, 2010'' and inserting ''March 4, 2011''; and

(2) in subsection (d), by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of the SAFETEA–LU (49 U.S.C. 5310 note) is amended by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

(d) OBLIGATION CEILING.—Section 3040(7) of the SAFETEA–LU (Public Law 109–59; 119 Stat. 1639, is amended to read as follows—

''(7) $4,462,196,000 for the period beginning October 1, 2010, and ending March 4, 2011, of which not more than $3,550,376,000 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA–LU (Public Law 109–59; 119 Stat. 1640) is amended in subsections (b) and (c) by striking ''December 31, 2010'' and inserting ''March 4, 2011''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA–LU (49 U.S.C. 5338; 119 Stat. 1706) is amended—

(1) in subsection (c)(2), by striking ''December 31, 2010'' and inserting ''March 4, 2011'', and by striking ''25 percent'' and inserting ''155/365ths''.

(2) In subsection (d)—

(A) by striking ''2010'' and inserting ''2011''; and

(B) by striking ''2009'' and inserting ''2010''.

SEC. 2308. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking ''for the period beginning on October 1, 2009, and ending on September 30, 2010,'' and inserting ''for fiscal year 2010,''; and

(2) by striking paragraph (7) and inserting the following:

''(7) for the period beginning October 1, 2010, and ending on March 4, 2011, $18,035,192,815.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking ''for the period beginning on October 1, 2009, and ending on December 31, 2010,'' and inserting ''for fiscal year 2010,''; and

(2) by striking paragraph (7) and inserting the following:

''(7) for the period beginning October 1, 2010, and ending on March 4, 2011, $4,390,137,192.''.

Subtitle D—Extension of Expenditure Authority

SEC. 2401. EXTENSION OF EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''December 31, 2010 (January 1, 2011, in the case of expenditures for administrative expenses)'' in subsections (b)(6)(B) and (c)(1) and inserting ''March 5, 2011'';

(2) by striking ''the Surface Transportation Extension Act of 2010'' in subsections (c)(1) and (e)(3) and inserting ''the Surface Transportation Extension Act of 2010, Part II''; and

(3) by striking ''January 1, 2011'' in subsection (e)(3) and inserting ''March 5, 2011''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Surface Transportation Extension Act of 2010'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2010, Part II''; and

(2) by striking ''January 1, 2011'' in subsection (d)(2) and inserting ''March 5, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2010.

This Act may be cited as the ''Continuing Appropriations and Surface Transportation Extensions Act, 2011''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Obey moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 3082.

The SPEAKER pro tempore. Pursuant to House Resolution 1782, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I have only one speaker on this side.

I reserve the balance of my time.

Mr. LEWIS of California. I, too, will be brief.

Madam Speaker, Christmas is almost here, and we are no closer to having a budget for this fiscal year—that began in October—we are no closer than we were last Christmas regarding that work. As Mr. OBEY would say, I have minimum high regard for the process that has led us to this moment.

The House managed to pass just two appropriations bills this year. I understand the Senate passed none, I heard earlier. The remaining 10 bills never even received full committee consideration. The House has dithered away the year on insignificant suspension bills. We have named hundreds of post offices and praised every sports team in America. But the House has failed in completing its essential work, the work we were elected to do, that is, passing a budget for the new fiscal year.

This isn't exactly how any of us envisioned we would be wrapping up our legislative business this year; but with

the hour growing late, it appears that we are limping into the new year with another short-term CR. And that is the best that we can do under these circumstances.

I do want to commend our colleagues in the Senate for making the right decision and resisting the temptation to vote for a legislative Christmas tree, widely known as the 12-bill omnibus. This holiday turkey which had grown to nearly 2,000 pages, with a price tag of $1.1 trillion, simply collapsed under its own weight. The last thing the American people wanted for Christmas was yet another trillion dollars of government spending. So today we are passing a CR that allows the essential operations of government to continue into the new year when the real work of writing fiscally prudent spending bills can begin.

That work will be guided by our new committee chairman, the gentleman from Kentucky, HAL ROGERS, who will be my only speaker this evening, besides myself, and HAL's full committee ranking member, the gentleman from Washington, NORMAN DICKS. I want to wish them both well as they take on their new responsibilities.

While DAVID OBEY and I have not agreed on very much this year, let me also pause for a second to express my appreciation to DAVID and wish him and his wife, Joan, good health and happiness as they pursue new opportunities outside of the Congress.

□ 1810

And in the most direct and sincere way, let me say that DAVID OBEY is passionate about the things that he's passionate about. I don't agree with him on many policy issues, but I do want you to know this, DAVID, the country and both of our great parties need an awful lot more people with the kind of passion display. And if we had that we'd get our work done in an entirely different fashion.

Before closing, let me make two other brief comments. As frustrating as this year has been for me, I know it's been an even more frustrating year for the highly professional House Appropriations Committee. Our committee is blessed with hardworking, dedicated people who receive very little credit for the fine work they do. They are asked to sacrifice time away from family and friends, and do so willingly, working day and night and weekends and even holidays. For that, and for so much more, I want to express my personal thanks to both the majority and the minority staff of our committee. They are deserving of the appreciation of the entire House. And I wish the entire House was here to express that to them by way of their applause.

But let me also take just a moment to thank my own staff director sitting beside me, Jeff Shockey, who will be leaving the committee to pursue other opportunities after assisting Chairman ROGERS and his staff with transition. Jeff is well known and highly respected by every member of the Appropriations Committee, our leadership, and the Members of the House. The committee's loss is indeed a loss for the entire House. Jeff is one of the finest individuals with whom I've worked for over 15 years, and I ask the House to join me in wishing him well. Many don't realize that some 15 years ago Jeff actually began with us as an intern and has worked his way pretty close to the top, and he hasn't broken too many bones on the way.

Madam Speaker, let me close by wishing our colleagues and staff on both sides of the aisle a Merry Christmas and a Happy New Year.

I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I was in error. We have two speakers on this side.

I now yield 1 minute to the distinguished Speaker of the House.

Ms. PELOSI. Madam Speaker, I rise, not to talk about the continuing resolution that is before us, but in praise of the gentleman from Wisconsin (Mr. OBEY), the chair of the Appropriations Committee. And this, hopefully, will be the last piece of legislation, not that hopefully it's your last, but hopefully it's the last that this body will hear from the Appropriations Committee. And I want to take the time on this bill to express the gratitude of our colleagues in the House, to the people of our country who care about America's working families, and to all who care about a world at peace, to thank Mr. OBEY for his tremendous leadership. I rise to celebrate his career and the contributions. I think he is one of the greatest appropriators and one of Congress' greatest legislative minds.

For more than four decades he has fought in favor on this floor for the people of the Wisconsin seventh district and for America's middle class. He is a visionary for a better life for the American people and a legislative genius. He has an ability to see around corners, anticipate challenges and opportunities, and sustain a fight on behalf of what is right.

I had the privilege of serving on the Appropriations Committee under the leadership of DAVE OBEY. He was my chairman on the full committee and on Labor, Health and Human Services, and he was chair for a long time of the Foreign Operations Subcommittee of Appropriations, which appropriated our foreign aid. To that committee, the Foreign Ops Committee, he brought the values of middle America to our foreign policy. Values-based, people-oriented, again, in the interest of our national security, the strength of our country and recognizing that that strength was also about our values.

He then chaired the Health and Human Services Subcommittee, where he measured the strength of our country in another way, in the health, the education, the economic well-being of America's working families. To see him operate on that committee was to see a master at work. We use that phrase from time to time. In the case of DAVE OBEY, it is an understatement. I sometimes think, when he's working, of the phrase, you'll understand when you understand, because when DAVID sees so far down the road from the rest of us, sometimes we're not quite up there with him, and then he is always right. I don't know whether he's a self-fulfilling prophecy or he's just always right from the start.

For nearly half a century, from demanding open committee hearings, more transparency in our caucus, ethics reform, he has been an unyielding and unflinching reformer.

Mr. OBEY, again, as I've said, was my chairman and, as a chairman, he had no parallel. He refused to allow measures designed to harm our air, water, and environment into the Federal budget. And after 9/11, he reached across the aisle to secure funding for first responders and the recovery effort and to extend our investment in homeland security.

Of course he championed Federal investments in education, and devoted his energy to making health insurance a right, not a privilege for all. And it was a special privilege for all of us here to see DAVE OBEY gavel down the health care reform bill. It is a well-deserved privilege for him, a recognition by his colleagues in the House that he was the one who should do that.

In every hearing in his committee, and with every vote, Chairman OBEY sought to strengthen the middle class, and he acted on the belief that how we invest the public's money reflects our values as a people and will determine the future of our country.

The reach of Mr. OBEY's achievements has extended nationwide. But his first priorities have always been for the families, the workers, the businesses, and the communities of his beloved district.

LIHEAP, for one. We always knew how important low-income—LIHEAP is a term of art here, and DAVE OBEY has been a great champion for it, as he has been for Pell Grants and other initiatives that affect America's working families. But the aspirations of his constituents, their hopes, their challenges, that was his call to action.

Chairman OBEY's official biography opens with these words: ''Every American who works hard should be able to fully share in the bounty of America, and so should their families.'' This has been DAVE OBEY's mission statement. He has been a transformational figure in Congress. His leadership on behalf of the American people, as I said, is unsurpassed.

He has been blessed by a wonderful family. And we all are grateful to his wife, Joan, and his sons for sharing DAVID with us. We also want to salute his staff person, his staff director, Beverly Pheto, for her leadership and her excellent work, and some might say, her patience with this great mind.

I just have to tell one story on DAVE OBEY because I just love it so much.

DAVE OBEY, as I mentioned, was the Chair of the Foreign Ops Subcommittee. Some years later, after CHARLIE WILSON was chair in that, I had the privilege of becoming the ranking member on that committee, no longer in the majority. So when we went to the floor for the first bill that we were managing, that I was managing on the minority side, I was very prepared and ready and wanted to please DAVID.

So I made my case, we won our amendments. I see Congresswoman LOWEY is here who now chairs the Foreign Ops Committee. And after we won our amendments, it was very bipartisan then. It wasn't that confrontational.

But, in any event, after it was finished, and the job was done, I looked to DAVID for some sign of something, at least that it was over. And DAVID said to me, You did all right, but I think you could have been more diplomatic.

□ 1820

Now, hearing DAVE OBEY tell me I should be more diplomatic, well, DAVID, of all the things he is known for, diplomacy is not among them. And that happened to be on the heels of running into BARNEY FRANK on my way to the rostrum to manage the bill. He said to me, That suit you have on, give it away. It looks terrible on you.

And I thought, In 1 day, I have gotten fashion advice from BARNEY FRANK and diplomacy advice from DAVID OBEY. Maybe I will go home and start all over again, with all due respect to their various strengths.

Reformer, visionary, public servant, DAVID OBEY has our gratitude and our appreciation. We will miss him enormously. He cannot be replaced. His legacy will live long in this body and in this country. We will long benefit from his leadership, his commitment, his values, his impatience, his eloquence, his Archy. His Archy, whose words of wisdom have guided us on occasions where other eloquence may have fallen short.

The Congress he loves so much will miss DAVE OBEY. And I hope that he leaves here knowing the high regard that his colleagues hold him in, the deep respect we have for his intellect, his boundless energy, and from time to time, yes, his humor, and occasionally his diplomacy.

So, Mr. Chairman, thank you. It has been an honor to serve with you. I know, again, that I speak for all of our colleagues when I say it is an honor to call you ''colleague.'' Thank you, Mr. OBEY, for what you have done for our country.

Mr. LEWIS of California. Madam Speaker, I have only one speaker, but I am very happy to yield all the time he might consume to HAL ROGERS, the chairman-elect of the Appropriations Committee.

Mr. ROGERS of Kentucky. Thank you, Mr. LEWIS, for yielding time.

It's been a real pleasure, and I mean that very sincerely, working under the leadership of JERRY LEWIS on our side of the aisle, both as chairman and as ranking member of this committee for these last 6 years. He has been gracious in every way. He has lent his talent and his wisdom to us as we prepare to do business. And not the least, he has volunteered his terrific staff, led by Jeff Shockey, to help us in the transition. And I can't say enough to thank JERRY LEWIS and all of the staff for all the great work that you have done for the country and continue to do. And we have got some heavy work cut out for you as well, and for the staff.

Madam Speaker, in my vocabulary, one of the most complimentary things I could say is a person is a difference maker. A difference maker sees circumstances that are not correct and applies wisdom and intelligence and perseverance and talent to change. And I can't think of a bigger difference maker—sometimes I thought in the wrong direction, but a difference maker—than DAVID OBEY. During my tenure here, coinciding with his, we have watched him over the years with that tenacity and innovation, sometimes blustery, sometimes entertaining, but always very efficient. And we will miss DAVID OBEY in this body.

This is the last chance that we will have, perhaps, to say good-bye and best wishes. But I think I speak for the entire body when we say to DAVID OBEY, Thank you for your service to America. Thank you for your leadership and your talent on this committee. And we wish you the very best in your future endeavors, especially during the next week as we all celebrate the birth of the Christ child.

And to Beverly and to Jeff and all of the staff on both sides of the aisle, the long hours that these people put in so that the rest of us can look good perhaps is not appreciated fully, and we need to continuously do that.

So to DAVID OBEY, bon voyage, best of luck to you. And thank you, JERRY, for the great service you are rendering your country.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I thank the chair for yielding to me because it's been such an honor for me to serve with DAVID OBEY, one of the most effective legislators this body has known. And we are so sad to see your service in Congress coming to an end.

People have described DAVID many ways: direct, gruff, cantankerous, and maybe even some words not suitable for the CONGRESSIONAL RECORD. But for me, it has been such a great honor to serve with somebody who exemplifies exactly what a Representative should be. He is one of the most principled legislators this body has ever known.

DAVID's critical role in bringing to an end the Vietnam War, a sad chapter in American history, is well known. He understands and takes seriously the congressional role in authorizing war and peace, and he has never taken lightly our solemn obligation to the American people in this regard.

He has served this institution with great honesty. Regardless of your request, idea, opinion, or question, you never have to wonder about where DAVID OBEY stands. He is always going to tell it to you straight. And even in holding one of the most powerful positions in Congress, he never lost sight of who exactly sent him here—the people of Wisconsin's Seventh District.

To this day, more than 40 years after he was elected to Congress, he still maintains the fierce, dogged determination on behalf of the health, education, safety, and economic opportunity of the people of Wisconsin. The United States Congress is a better institution, the people of Wisconsin are better off today as a result of your service. And even though some may describe you in colorful ways, I will always be proud to call you a colleague and a dear friend.

Mr. OBEY. I yield 1 minute to the distinguished majority leader, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I hesitate to speak of course, lest we get off message, but I am going to take that chance in any event.

I have had the opportunity of serving for a long period of time with Mr. LEWIS, Mr. ROGERS, Mrs. LOWEY, Ms. DELAURO, Mr. DICKS on the Appropriations Committee. I am not sure I see anybody else who served on that Appropriations Committee with us. And I served on the Labor, Health, Human Services, and Education Subcommittee of the Appropriations Committee. And I went on in January of 1983. I won't go all through every year from 1983 to today. That would take too long and would bore you stiff.

But I had the great privilege of sitting just a couple of chairs from the gentleman from Wisconsin, who had been in the Congress some 12 years before I came, having been elected in 1969. Served over four decades in this body. I will adopt all the words that were ascribed to him by the gentlewoman from New York, but three words that I would use are ''tough,'' ''courageous,'' and ''effective.''

□ 1830

I think the gentleman from Kentucky caught it as well. He is a difference maker. I think, Congressman ROGERS, your words were very appropriate, not because you agreed or others agreed necessarily with the difference he wanted to make, but you knew if DAVID OBEY was engaged in an issue, he would make a difference on that issue.

From my perspective, the good news is DAVID OBEY was almost invariably engaged on the issues he thought affected average people, who were not so average at all. Whether it was their education, their health, their housing, making sure the NIH was trying to find cures for diseases that afflicted them,

whether he was standing up to make sure that people in the cold of winter had heat or in the scorching heat of summer had air conditioning to keep them healthy, DAVID OBEY could always be counted on as a strong, unwavering, uncowering voice on behalf of people who needed a voice. They had a special interest, but they did not have money to hire voices. They needed voices in this body that we know as the people's House.

The people on some 20 occasions returned DAVID OBEY to the Congress of the United States. Maybe it was one more than that, 21 occasions. They returned DAVID OBEY to the Congress of the United States because they saw in DAVID OBEY that voice that they needed and wanted and respected.

DAVID OBEY, in addition to the three attributes I ascribed to him, is honest. One of the things I most admire in DAVID OBEY and one of the things I most cherished was his slaying of the dragon of hypocrisy. I don't think anything angered DAVID OBEY more than seeing hypocrisy. There is too much hypocrisy, where we say, Oh, we are for this, and then we vote for that, or vice versa. We could always count on DAVID saying, Hey, you want to be honest? Stop posing for holy pictures.

I am sure that has been mentioned during the course of this, because there is a famous phrase that we all remember by DAVID OBEY. By that, he meant, of course, be real. Don't try to flimflam the public. Stand up for what you believe in, not what you think people want to hear. And we had no better example and no more faithful example of that performance than DAVID OBEY.

I want to thank DAVID OBEY. I want to thank him for being my friend. I want to thank him for being an example of what Members of Congress ought to be. I want to thank him for being a steadfast, faithful voice for the people who needed a voice, a leader on behalf of the principles that I think this country was speaking about when it said that we establish a government to protect the general welfare. DAVID OBEY believed that to his very core, and every day of his service his belief was manifest in his actions.

I also want to thank my friend JERRY LEWIS. Every day that I served on the Appropriations Committee, I served with JERRY LEWIS, and almost every day with HAL ROGERS. HAL came a little after JERRY and I came to the committee.

One of the things that I recall to people about this committee is that for most of my service, not all of my service, unfortunately, but for most of my service it was arguably the most bipartisan committee in the Congress of the United States, where we worked together, made determinations together. And, yes, there were differences, but we did so in a civil, collegiate way that the American public I think would have appreciated.

JERRY LEWIS has been someone who has focused on our institution. For many of the years that I served, JERRY LEWIS and Vic Fazio from California were chairs of the Legislative appropriations committee, and they worked together as a team to make this institution more effective, better serving its Members and better enabling its Members to serve the Nation.

JERRY, I want to thank you for your service as chairman of the committee, but as a member of the committee and certainly as chair of the committee that didn't get much publicity and sometimes was a thankless job, but was a job that you and Vic did in the best traditions of what the American public says it wants—bipartisan cooperation, positive partnership—and I thank you for that.

HAL, I wish you the best of luck as you undertake these responsibilities. We are losing a giant as DAVID OBEY retires. DAVID OBEY chose to retire. There is no doubt in my mind if he had chosen to run again, his people would have sent him back.

So, DAVID OBEY, you have been a great Member of this Congress. You have served your country, your State, and our people well. We are, all of us, in your debt. Godspeed.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I met DAVID OBEY 20 years ago. I was elected to this body, never having run for office before. I came to the freshman orientation. I sat at the end of a long table and I listened to people come in and tell us what we needed to know about this institution. And I listened to one DAVID OBEY at the far end of the table, from Wisconsin, and he spoke about appropriations and he spoke about the budget process and the Budget Committee, et cetera. And I said to myself, My god, what have I done? I am in so far over my head, I am never going to make it.

Over 20 years, DAVID OBEY has become one of my dearest friends, my mentor, and, yes, we do conspire to try to do good things. He has shown me the power of this great institution and how it can change people's lives, to make opportunity real for people, for ordinary people. He is a smart, he is a savvy legislator. No one knows more about the issues, about the politics, and about the process and about getting it done.

He is incorruptible, and, as many know, he does not suffer fools. And he is a real flesh-and-blood human being. He has passion on the issues that we deal with, and they are based on a wellspring of values. Born and raised in a working class family in Wisconsin, he knows what the struggle is about. He has walked in the shoes of the people of this country, and he knows that it is this great institution that can turn it around.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. OBEY. I yield the gentlewoman 1 additional minute.

Ms. DELAURO. He tells the truth fearlessly, and he is a patriot in every sense of the word.

I will miss DAVID's commitment, his dedication, and his integrity. And though soon no longer to be a colleague, he will always be my friend, and I think I know that whenever I am in trouble, I can pick up the phone and say, DAVID, what should I do?

I will miss you deeply, my friend. I will miss you deeply.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Madam Speaker, DAVID OBEY would be the first to say our democracy is bigger than any one of us, but I come here tonight to say that in the history of Congress, he is truly one of its giants. It is hard to imagine Congress without him. He has been a giant of courage, a giant of ethics, a giant of insight and wisdom as an institutionalist who believes in this House with all of his heart and soul, and a giant in the fight for everyday citizens who often don't have a voice speaking for them.

□ 1840

I want to pay special tribute to Chairman OBEY for what he has done so quietly behind the scenes for America's veterans. He has been their unsung hero. In the 4 years that he has chaired the Appropriations Committee—these past 4 years—we have ended up, under his leadership and in partnership with Speaker PELOSI, with 3,000 new VA doctors, 13,000 new VA nurses, and 145 new VA community clinics. All of that means better care, more timely care, more quality care for America's heroes and their families. It means respect to those who serve—respect with our deeds and not just with words.

The greatest tribute I can pay as a father to DAVE OBEY is he has truly made a difference for my family and for the American family. Perhaps the greatest tribute he could hear, though, is that, I would say if Archy the Cockroach and Richard Bolling were here today on the floor of this House, they would say, Mr. Chairman, job well done.

It has been a privilege to work with you and to learn from you. You will have left this country a better place. For that, we all thank you and salute you.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. First of all, I want to thank DAVID OBEY for all the help that he has given me over my entire career. I can remember the first weekend I was going to be on the committee, I called him at home and I said, Do you think I can offer this amendment to change the size and ratio of subcommittees? And he says, They'll never let you do it, but I'll vote for it because it's the right thing to do. That's how I first met DAVID OBEY.

After 30 years, when I became chairman of the Interior Appropriations

Subcommittee, I relied on him greatly for a good 302(b) allocation. Because of that, good 302(b) allocation we were able to do some incredible things. We had been working together on the national parks. We had worked on the fish and wildlife refuges. We had worked on improving the arts and humanities. And the Interior appropriations bill I know was one that DAVID enjoyed immensely because he always was asking me, How's this going? How's that going?

And I just want to thank him for everything that he's done in the last few days and over the years. He has been a tremendous leader. He has done great things for this country. Our natural resources are stronger because of DAVID OBEY. And I have enjoyed being with he and Joan at Zion and out at Olympic National Park this year. We've had some wonderful experiences.

I want to say to my friend, JERRY LEWIS, who's done a great job, JERRY and I have been friends. We traveled together. When I became chairman of the Defense Subcommittee after the loss of our great friend, Jack Murtha, JERRY and JEFF went with me on almost every single trip to help me, to be there, and to show support. It made a great difference. I want to say, JERRY, I will always remember it.

HAL, I look forward to next year. We'll work together. I hope that we can have a successful year; that we can get these bills passed. You will have my cooperation.

Again, Bev and all the staff, those are the people—Paul Juola is here from the Defense Subcommittee. I've never seen people work as hard as the staff of the House Appropriations Committee. They're there every day, night, weekends. It's amazing to me the work that they put in. I just appreciate so much, having been a former staffer myself, how much more professionalism and how much more capability this staff has. DAVID, you and Bev built a great staff, and we hope to keep that staff.

Thank you for your help and thank you for your friendship.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, when I realized this tribute was underway, this spontaneous tribute on the floor of the House, I rushed over here because I very much want to add my word of respect and commendation and friendship as we recognize DAVE OBEY's years of service in this body and his retirement.

I have been drawn to DAVE and his knowledge of this institution, to his mentorship and leadership, ever since my earliest days here. I came here from a background as a student of the Congress; here was actually an architect of the modern Congress, generous with stories and accounts of his early days here with the Democratic Study Group and the reforms that transformed this place in the 1970s.

He has carried that spirit of reform forward, and is still a reformer at heart. So I have been intrigued with that, as have many colleagues, and have learned a great deal from DAVE OBEY about that history, but also from our day-to-day association. He has an incomparable knowledge of the history of this place, a mastery of the House and a great loyalty to the institution, and a desire to make it work better. We all know that and admire him for it.

In more recent years, DAVE has been best known as the distinguished ranking member and then chairman of the Appropriations Committee. He has exemplified what those of us on the Committee like to think of as the spirit of appropriations—the work ethic and mastery of the bills; the careful drafting, line by line; the holding of the administration accountable, no matter which party is in charge in the White House; and the sense that appropriations—the power of the purse—is really at the heart of this institution's constitutional role. We need to do appropriations well, we need to do it cooperatively, and we need to assert ourselves as an institution, calling the executive agencies to account.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman 30 additional seconds.

Mr. PRICE of North Carolina. DAVID OBEY has been a master of procedure and strategy, a masterful chairman of appropriations.

Finally, let me say this: Sometimes it's thought around here that in order to be effective, in order to be well liked, in order to do the job, you've got to be a go-along, get-along kind of guy. Well, that is not DAVE OBEY. In fact, it's precisely because of his forcefulness, precisely because of his passion for justice, his unyielding determination to fight for what he believes in, that he has our respect and affection and the effectiveness in this institution that he has. In that respect, as in so many others, he's been a role model for us all, and I'm proud to join in this salute here tonight.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Madam Speaker, I'm pleased to stand up and have the opportunity and honor to say a few words about the distinguished chairman of the Appropriations Committee, my chairman, DAVID OBEY. We all operate on teams here in the Congress. I'm especially proud to be on DAVID OBEY's team, serving as one of the chairmen of one of the subcommittees under DAVID's jurisdiction.

DAVID has long distinguished himself in public service. He started in the Wisconsin Assembly in 1963, and served until 1969. At the beginning of his career he may have stumbled into the wrong political party. But seeing the Joe McCarthy experience, he soon learned and developed an aversion for duplicity and felt that the Democratic Party was the home for him. I think they best reflect his Midwestern values and his progressive attitudes. I associate myself with those values and those attitudes, which makes it especially pleasurable to be a part of his team.

I'm sure it's been mentioned here before that DAVID served in Congress for a long time and that he came to the Congress as the youngest Member when he came, at 30 years old, and he's served 42 years. So, do the math. And now he's voluntarily retiring from this institution, having left a very distinguished record from the beginning. Arriving with new ideas about how the Congress ought to operate and how it ought to be more open and how it ought to be more embracing of new Members, he was extremely effective in implementing those ideas, moving on through his career to higher responsibilities and becoming, ultimately, chairman of, as we refer to it, the powerful Appropriations Committee.

□ 1850

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. OBEY. I yield the gentleman 1 additional minute.

Mr. MOLLOHAN. His values that he came here with he continued to want to express. It was very important for him to continue his service as chairman of the Labor, HHS, Education Subcommittee where he could really affect all of those constituencies, which really allowed him to do those things that were important to him and to express that progressive attitude.

Madam Speaker, DAVID OBEY has been a real contribution to the United States Congress. During his career—and it will be lasting after his career—his mark has been indelible in the reforms that are reflected in how we do business here. I don't know of a person in the institution who could have assimilated within the appropriations process—the rules and changes in procedures in the way we did business in response to legitimate concerns about the appropriations process—better than DAVID OBEY. It was his ability to separate the chaff from the grain, to understand what were legitimate expressions of concern about the appropriations process, his ability to deal with them, and his embracing the prerogatives of the appropriations process. At the same time, we recognize the process of the legislative branch reflects that which will really be his legacy.

Madam Speaker, thank you for allowing me to say a few words. I want to personally thank DAVID OBEY for his personal considerations.

Mr. LEWIS of California. Madam Speaker, I had indicated I had no additional speakers, but with this display of love and affection this evening, my colleague, TOM COLE from Oklahoma, just had to come down for a couple of minutes.

I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for allowing me to have time.

Madam Speaker, I must admit I was in my office, signing letters, with the television off—muted—when I noticed a succession of Democratic speakers, which, as a former NRCC chairman, was a horror to just watch one after the other. I thought we must be getting beaten to death down there. What's going on?

So I flipped on the sound, actually, just in time to see Mr. ROGERS from Kentucky come on, and I thought this is actually some sort of bipartisan lovefest going on. We don't have a lot of that around here, and I wanted to get down and participate.

You know, this is not, frankly, a very good time to be a Member of Congress. None of us are held in high esteem by the American public. I think it is an even more difficult time, quite frankly, to be a member of the Appropriations Committee because there are times when I think we're not held in much esteem by our own colleagues. I have heard so many things from some of our good friends on the authorizing committees that I think they forget the very simple fact that they always authorize more money than we spend on the Appropriations Committee and that we are usually left with the tough job of reconciling differences that have been unresolved on the authorizing committees. It is something that needs to be experienced by every Member of Congress before they appreciate the magnitude and the quality of the work that goes on on this particular committee.

I had the opportunity to know my good friend Chairman LEWIS many, many years ago. In 1991, I arrived in Washington, D.C., to be the executive director of the National Republican Congressional Committee. I had been here a few weeks when, all of a sudden, I got a message that I needed to go over and see my friend, who was the conference chairman. I thought I've only been in town a month, and I've already managed to offend one of the most powerful Republicans in Congress. I actually brought a staff member with me so that, if I were in real trouble, the staff guy and the additional staff guy could handle the problems.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEWIS of California. I yield the gentleman 1 additional minute.

Mr. COLE. We chatted for a minute, and the gentleman immediately said, Well, actually, I just wanted to get to know you because I'd heard a couple of nice things about you.

Since that time, he has been nothing but kind and generous to me. Frankly, I've watched him define what a Member and an appropriator ought to be year in and year out in the minority and in the majority. He has just absolutely served this body with incredible class and incredible character and incredible professionalism every single day he has been here.

I would be remiss not to talk about my friend Chairman OBEY as well. Frankly, I'd heard about Chairman OBEY—again, before I'd ever arrived—from my old boss, Mickey Edwards. Mickey Edwards told me he was often wrong but always honest, and you could deal with him. Indeed, I found that to be the case on the last two points, not necessarily on the first. He has been a wonderful chairman, a wonderful colleague, somebody who is a credit to this institution and a credit to his district. I think he defines, as my friend Mr. LEWIS does, who and what a chairman ought to be and how a Member of this body ought to act.

If everybody in America knew these two gentlemen, the opinion of this institution would be enormously higher.

Mr. OBEY. Madam Speaker, we really do need to bring this to a conclusion, so I yield 1 minute to the last speaker, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Thank you.

You know, the challenge, I think, every person who is elected to Congress faces is: How do you challenge the institution but respect it? How do you stretch the limits but abide by tradition and see its importance?

DAVID OBEY has managed, over the course of a long career, to do it.

He came here as a young man, aged 30. When he came here and saw what was here, he didn't like everything he saw, and he did challenge it. He moved up in the hierarchy here, out of turn, faster than many people thought he should because he did challenge the institution, but he did it in a way that he respected what the Congress had to do as an institution.

You know, people talk about his irascible temper, or his irascibility, but he leaves with the same passion to challenge the institution—to challenge its limits but to respect fundamentally that this institution has traditions that we all are custodians of. When we are at our best, we manage to do both.

DAVID OBEY, over a long career, you have done that. Thank you very much.

Mr. OBEY. I yield 1 minute to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the gentleman for yielding.

Madam Speaker, it is very hard to find an honest man in life, and I would like to place on the record that DAVID OBEY is an honest man and that he served the people of his district admirably all these years. Some have wondered about his contentious nature on occasion, but you'd really have to understand what a ''Badger'' is to know where that all comes from.

He has been a phenomenal husband, as I know his wife agrees, and has been a very, very good father. He has been a friend to all the Members who have served. He has treated us fairly, and his brilliance reflected in his books and in the laws and in the efforts that he has made here over decades and decades simply cannot be replaced. We from the Midwest know what we are losing as he chooses to leave this institution.

I want to thank him for all he has done for the Great Lakes Region, for the people of Ohio, for our country, and for setting a standard, for those who follow, that will be very, very hard to meet and that will probably never be fully met.

I want to thank this great Badger for his years of service to America and helping move liberty forward.

God bless you and your family, DAVE.

Mr. LEWIS of California. Madam Speaker, I am more than happy to express my deep appreciation for the service of DAVID OBEY.

I yield back the balance of my time.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I appreciate all of the kind words that have been said about me tonight. I must confess that I sometimes am more at ease when I am being pummeled than when I am being praised, but maybe that's just my quirky character.

□ 1900

Let me simply say that this is the last time that I will be making any comments on this floor. I want to thank the Members on both sides of the aisle for their courtesies over the past 42 years, and I want to say that it has been a privilege for each and every one of us, whether we have served here one term or 21 or even more, it is a privilege for all of us to have been sent to this place, to the people's House. I can think of no greater privilege and you cannot. This is the only place in the government that you have to be elected in order to occupy our jobs. In the Senate you don't have to be elected. Even in the Presidency, you don't have to be elected under quirky circumstances, and I think all of us can be proud of that distinction.

Let me also say, Madam Speaker, that I do think I need to say at least a word or two about the subject at hand, this piece of legislation. John Wesley said that his rule for living was this: do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can.

I wish I could say that this legislation lived up to that lofty goal. It does not. It has many, many shortcomings.

The only reason for supporting this legislation today—and it is an overriding one—is to keep the government operating. If I were to vote my preferences, I would vote ''no'' because I believe we should have before us today a continuing resolution for the rest of

the fiscal year. The only reason we do not is because only in the United States Senate can you get a majority of votes for any proposition and still lose because of their peculiar rules.

I think the difference between the way our two respective parties have handled similar situations is interesting.

Four years ago, when our party took control after 12 years of rule by our friends on the other side of the aisle, the outgoing Republican majority chose to simply dump most of the work for that fiscal year onto the incoming Democratic majority by passing a short-term CR. That meant that we had to spend the first 2 months dealing with the previous year's business rather than being able to start with a clean slate in dealing with new problems.

In contrast, today's outgoing Democratic majority has tried mightily to clear the deck for the incoming Republican majority by producing a full-year CR, which attempts to compromise by producing funding levels that were $46 billion below the President's budget and which amounted to a freeze at the previous year's level. Passage of that legislation would have meant that the incoming Republican majority would be able to start with a clean slate in working with the President on a whole host of major problems.

But, instead, we are here today confronted with this legislation, which expires on March 4 and which will require the incoming Republican majority to spend the first 2 months of its stewardship dealing with last year's business. I think that's unfortunate. Through the use of the Senate filibuster, it has been assured that we could not complete a full-year CR. That action simply mirrors the procedural resistance with which we have been faced all year long with the Senate minority engaging in more than 87 filibuster actions in order to grind matters to a halt and frustrate the Congress' ability to do anything on the budget front by majority vote.

That is unfortunate; but at this late date, there is no point in arguing. The die is cast, obviously. The only responsible choice at this point is to recognize reality, even though that means that the early days of the next Congress will be unnecessarily confrontational and partisan. It means that, on budget issues, most of next year will simply be about demonstrating political leverage rather than working through honest, substantive differences to reasonable conclusions. Because of that, I most reluctantly, but firmly, suggest an ''aye'' vote.

I want to take an additional minute to thank two people in this Chamber who the public will never know, but there are many, many of them over Capitol Hill who work day in and day out to produce a better country, and the public never knows their names. One of them with us tonight is Jeff Shockey, who has done an admirable job as minority staff director on the committee for years. Sometimes I wish he hadn't been so good, but I do appreciate the work that he has done.

And, lastly, I do not know what I would have done without Beverly Pheto as the chairman of the Appropriations Committee. She is an absolute true professional. She has imagination, she has courage, she has stamina, and most of all, she has an amazing ability to put up with me, and that alone ought to get her the Congressional Medal of Honor.

So, with that, I would simply say good-bye to you-all, and I would hope that we would cast a responsible vote so that we can get about the country's business next year, even though many of us will not be here to participate.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of this Continuing Resolution, which will fund government operations at FY 2010 levels through March 4, 2011.

Madam Speaker, this bill is not my first choice, or even my second choice. And I don't think anyone believes our country is well-served by having its government run on a series of short-term funding measures. But since the Senate was apparently unable to act on either the House-passed year- long Continuing Resolution, or an Omnibus spending package, we are left with today's resolution.

When the 112th Congress convenes, I sincerely hope we will be able to return to regular order and enact annual, fully vetted, fiscally responsible spending bills that reflect the pliorities and values of our nation.

Mr. OBEY. I yield back the balance of my time

The SPEAKER pro tempore. Pursuant to House Resolution 1782, the previous question is ordered.

The question is on the motion by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEWIS of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on suspending the rules with regard to H.R. 6547.

The vote was taken by electronic device, and there were—yeas 193, nays 165, not voting 75, as follows:

[Roll No. 662]

YEAS—193

Ackerman
Altmire
Andrews
Arcuri
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonner
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeGette
DeLauro
Dicks
Dingell
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Snyder
Space
Speier
Spratt
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NAYS—165

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coffman (CO)
Cole
Conaway
Connolly (VA)
Davis (KY)
DeFazio
Dent
Diaz-Balart, M.
Djou
Doggett
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Maffei
Manzullo
Matheson
McCaul
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Murphy, Tim
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)

Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu

NOT VOTING—75

Adler (NJ)
Baca
Baird
Barrett (SC)
Barton (TX)
Berry
Blumenauer
Boyd
Bright
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp
Campbell
Cao
Chu
Clay
Coble
Costello
Crenshaw
Culberson
Davis (IL)
Delahunt
Deutch
Diaz-Balart, L.
Doyle
Fallin
Granger
Green, Gene
Griffith
Gutierrez
Heller
Herseth Sandlin
Hill
Hinojosa
Hodes
Honda
Johnson, Sam
Jones
Kanjorski
Kennedy
Kilpatrick (MI)
King (NY)
Lee (CA)
Linder
Lofgren, Zoe
Marchant
McCarthy (CA)
McCarthy (NY)
McMahon
McMorris Rodgers
Melancon
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Neal (MA)
Nunes
Ortiz
Pastor (AZ)
Radanovich
Reyes
Rush
Salazar
Sanchez, Loretta
Schock
Sires
Smith (WA)
Stark
Tanner
Wamp
Wasserman Schultz
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1935

Mr. WU changed his vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROTECTING STUDENTS FROM SEXUAL AND VIOLENT PREDATORS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6547) to amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 314, nays 20, not voting 99, as follows:

[Roll No. 663]

YEAS—314

Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (MO)
Grayson
Green, Al
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herger
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCaul
McClintock
McCollum
McCotter
McDermott
McHenry
McIntyre
McKeon
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—20

Broun (GA)
Conaway
Ehlers
Flake
Garrett (NJ)
Graves (GA)
Hensarling
Hoekstra
Inglis
Jordan (OH)
King (IA)
Kingston
Miller (FL)
Neugebauer
Paul
Poe (TX)
Shadegg
Stutzman
Thornberry
Westmoreland

NOT VOTING—99

Adler (NJ)
Baca
Baird
Barrett (SC)
Barton (TX)
Berry
Blackburn
Blumenauer
Boccieri
Boehner
Boucher
Boyd
Bright
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Camp
Campbell
Cao
Cardoza
Chu
Clay
Coble
Cooper
Costello
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Delahunt
Deutch
Diaz-Balart, L.
Doyle
Duncan
Emerson
Fallin
Frank (MA)
Gallegly
Gordon (TN)
Granger
Green, Gene
Griffith
Gutierrez
Harman
Heller
Herseth Sandlin
Hill
Hinojosa
Hodes
Honda
Hoyer
Johnson (IL)
Johnson, Sam
Jones
Kennedy
Kilpatrick (MI)
King (NY)
Lamborn
LaTourette
Lee (CA)
Lee (NY)
Linder
Lipinski
Lofgren, Zoe
Marchant
McCarthy (CA)
McCarthy (NY)
McGovern
McMahon
McMorris Rodgers
Melancon
Miller, Gary
Mitchell
Moran (KS)
Neal (MA)
Nunes
Ortiz
Pastor (AZ)
Perlmutter
Price (GA)
Radanovich
Reyes
Ros-Lehtinen
Roskam
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Schock
Sires
Smith (WA)
Stark
Tanner
Tiberi
Wamp
Wasserman Schultz
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 1 minute remaining in this vote.

□ 1944

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOCCIERI. Madam Speaker, on rollcall No. 663 To Amend The Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall Nos. 662 and 663, had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Ms. CHU. Madam Speaker, I was absent on December 21, 2010. Had I been present, I would have voted ''yes'' on the following:

H. Res. 1771—Same Day Consideration Rule; H.R. 6540—To require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess (Rep. INSLEE—Armed Services) Suspension bill; Motion to Concur in the Senate Amendment to H.R. 5116—America COMPETES Reauthorization Act of 2010 (Rep. GORDON—Science and Technology); Motion to Concur in the Senate Amendment to H.R. 2142—Government Efficiency, Effectiveness, and Performance Improvement Act (Rep. CUELLAR—Oversight and Government Reform); Motion to Concur in the Senate Amendment to H.R. 2751—FDA Food Safety Modernization Act (Reps. WAXMAN/DINGELL—Energy and Commerce); S. 3243—Anti-Border Corruption Act of 2010 (Sen. PRYOR/Rep. SHULER—Homeland Security) Suspension bill;

Motion to Concur in the Senate Amendment to H.R. 3082—Making Further Continuing Appropriations for Fiscal Year 2011 (Rep. OBEY—Appropriations); H.R. 6547—To amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees (Rep. GEORGE MILLER—Education and Labor) Suspension bill.

PERSONAL EXPLANATION

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in eight votes on the floor of the House of Representatives today.

The first vote was H.Res. 1771—Same Day Consideration Rule. Had I been present, I would have voted ''nay'' on that question.

The second vote was H.R. 6540—To require the Secretary of Defense, in awarding a contract for the KC–X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess. Had I been present, I would have voted ''yea'' on that question.

The third vote was Motion to Concur in the Senate Amendment to H.R. 5116—America COMPETES Reauthorization Act of 2010. Had I been present, I would have voted ''yea'' on that question.

The fourth vote was Motion to Concur in the Senate Amendment to H.R. 2142—Government Efficiency, Effectiveness, and Performance Improvement Act. Had I been present, I would have voted ''yea'' on that question.

The fifth vote was Motion to Concur in the Senate Amendment to H.R. 2751—FDA Food Safety Modernization Act. Had I been present, I would have voted ''yea'' on that question.

The sixth vote was S. 3243—Anti-Border Corruption Act of 2010. Had I been present, I would have voted ''yea'' on that question.

The seventh vote was Motion to Concur in the Senate Amendment to H.R. 3082—Making Further Continuing Appropriations for Fiscal Year 2011. Had I been present, I would have voted ''yea'' on that question.

The eighth vote was H.R. 6547—To amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees. Had I been present, I would have voted ''yea'' on that question.

HOUR OF MEETING ON TOMORROW

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore (Mrs. HALVORSON). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF HON. DONNA F. EDWARDS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 111TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

DECEMBER 21, 2010.

I hereby appoint the Honorable DONNA F. EDWARDS or, if she is not available to perform this duty, the Honorable GERALD E. CONNOLLY to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Eleventh Congress.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Sec. 5605 of the Patient Protection and Affordable Care Act (P.L. 111–148), I am pleased to appoint Mr. Marcus Peacock of Washington, DC and Mr. Tomas J. Philipson of Chicago, IL to the Commission on Key National Indicators.

Both Mr. Peacock and Mr. Philipson have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 21, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 235 of the Tribal Law and Order Act (P.L. 111–211, I am pleased to appoint Mr. Thomas Gede of San Francisco, California to the Indian Law and Order Commission.

Mr. Gede has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 21, 2010.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, (22 U.S.C. 7002) as amended, I am pleased to re-appoint Mr. Larry Wortzel to the United States-China Economic and Security Review Commission, effective January 1, 2011.

Mr. Wortzel has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

HONORING DOROTHY HARRY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize an incredible public servant who is retiring from my district congressional office in a few short weeks.

Mrs. Dorothy Harry has served the citizens of the Pennsylvania Fifth Congressional District for 14 years. Dorothy has been in the Titusville district office for more than a decade. The constituent calls have been greeted by her with a professional, courteous, and caring attitude.

Dorothy has never been late by even a minute, is thorough in her service, and leaves nothing undone. She joined the congressional staff with a lifetime of experience working in her family's insurance agency. Constituents of my congressional district that contact our office with insurance-related issues have had her voice of experience to guide them through many concerns.

Dorothy is the mother of two daughters, whom she is very proud of. Dorothy has always been quick to share that one of her daughters created a Christmas ornament that hung on the White House Christmas tree.

On December 31, Dorothy Harry will retire from public service as a member of the Pennsylvania Fifth Congressional District congressional staff at the age of a young 81 years old. The citizens have been well served by her and, I am sure, join me in saying, ''Job well done and thank you, Dorothy. You will be missed.''

□ 1950

CONGRATULATING THE PEARLAND OILERS FOR WINNING THE CLASS 5A DIVISION ONE FOOTBALL CHAMPIONSHIP

(Mr. OLSON asked and was given permission to address the House for 1 minute.)

Mr. OLSON. Madam Speaker, I rise today to congratulate the Pearland Oilers for winning the Texas Class 5A Division One Football Championship last weekend. In front of 43,321 fans, the third largest in Texas history, the Oilers achieved a heart-stopping 28–24 victory, defeating the number one ranked team in the entire Nation, Euless Trinity.

The Oilers were referred to as the underdog, but an underdog doesn't use a play called ''the dead man'' to score a 54-yard touchdown. They demonstrated

their tenacity in the final seconds, when Dustin Garrison, who scored three touchdowns, broke up a fourth quarter pass, sealing the win for the Oilers.

Pearland has lived by a ''plus one'' outlook, always striving to make one more play and give one more degree of effort for the benefit of the team.

The Oilers finished the season with a perfect 16–0 record and brought home to the ''rig'' Pearland's first 5A championship. I congratulate them on their historic victory and well-deserved honor.

PASSING THE DOMESTIC TRAFFICKING VICTIMS ACT

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, when a young girl is kidnapped in a foreign country and brought into the United States and used as a sex slave and law enforcement gets involved, she is treated as a victim of crime.

If a young girl who is an American citizen is forced into sex slavery as an 11- or 12-year-old and she is trafficked across the United States and law enforcement gets involved, unfortunately that girl is not treated as a victim, but a criminal, and criminal charges are filed on her for prostitution and she goes through the system. Many times, law enforcement does that just to protect that young child.

We need to change that, and today this House of Representatives passed legislation, the Domestic Trafficking Victims Act, which will treat those victims as victims and give resources to put them in places throughout the United States where we can protect them, rescue them, prosecute the trafficker, and prosecute the customer who buys that sex from that poor girl for money.

We need to treat these victims with the dignity that they deserve. This legislation is important. I am glad it passed the House.

And that's just the way it is.

HONORING THE HONORABLE JOHN B. SHADEGG

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, I rise today to honor a valued member of the Arizona delegation, JOHN SHADEGG.

JOHN SHADEGG is ending his service to this institution after 16 years. JOHN came here in 1994 and has served the State of Arizona extremely well during that time. He has promoted the principles of limited government, economic freedom and individual responsibility, and has stayed true to his principles and been a valued member of the Arizona delegation.

Arizona has a habit of producing great legislators, including Barry Goldwater, Mo Udall, Carl Hayden, and others; and JOHN now adds his name to that list of great Arizona legislators.

I just want to pay tribute to him and tell him how much the Arizona delegation and all of us will miss his steady, constant, principled leadership here in the House of Representatives.

Well done, JOHN. Well done, JOHN SHADEGG.

TRIBUTE TO THE LATE REPRESENTATIVE STEPHEN SOLARZ

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, I rise today to speak in honor of my friend and colleague, Stephen Solarz, who passed away last month.

When I first came to Congress in 1989, Congressman Solarz was already a respected Member of this body. He was a senior member of the Foreign Affairs Committee and an inspiration to me as I joined that committee. I enjoyed his advice and counsel. I remember he sat on the top rung of the committee, and that is where I am sitting today.

His speeches on the floor were the kind that made his colleagues stop what they were doing and listen. He was a foreign affairs guru to many of us, and the world will miss his knowledge and expertise.

I remember the dinners he and his wife, Nina, hosted at their home. Among the luminaries I met at these dinners was Abba Eban, the former foreign minister and U.N. ambassador of Israel.

Together, we shared the determination to protect America's relationship with Israel. We both understood that the U.S. must continue to engage on issues of importance around the world.

Like me, Congressman Solarz was a product of New York City's public schools. He emerged from humble beginnings to earn his law degree from Columbia, and later became one of the most influential Members of Congress. We each shared the passion for public service, and I know that I will truly miss his advice and his friendship. I consider myself lucky to have known him all these years.

My heart goes out to his wife, Nina, their children Randy and Lisa, and his mother, Ruth. The rest of the country, and certainly the U.S. House of Representatives, mourns with them.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FLAWED ELECTIONS AND POLITICAL IMPRISONMENT IN BELARUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Madam Speaker, I come down tonight to put into the RECORD the names of some freedom fighters who have been jailed, not only politicians, but also members of the news media, after the stolen elections in Minsk, Belarus, of two nights ago.

The opponents of Dictator Lukashenko were as follows. Their locations are unknown. Some have been jailed: Andrey Sannikaw, Yaraslaw Ramanchuk, Ryhor Kastusyow, Uladzimir Nyaklyayew, Ales Mikhalevich, Vital Rymashewski, Viktar Tsyareshchanka, Mikalay Statkevich and Dzmitry Uss.

Tens of thousands of Belarusians converged on Independence Square in the capital, heeding opposition leaders who called Sunday's election a farce and accused Lukashenko of keeping the post-Soviet country locked in a dictatorship. They gathered on the evening on the 19th and the morning of the 20th.

Also arrested were prominent journalists and civil society activists, folks who are friends of individuals I know: Anatol Lyabedska, leader of the United Civic Party; Mr. Sannikaw's wife, Iryna Khalip; Dzmitry Bandarenka, coordinator of an opposition group called Khartyya97; and Natallya Radzina, the editor of www.charter97.org.

The Organization For Security and Cooperation in Europe called the election ''flawed,'' and the United States of America and the European Union condemned the crackdown.

With me I have some photos of the evening of December 19 showing protestors. Of course, we see members of the Belarusian security forces, and in this photo here you actually see them wielding their clubs and beating one of the opposition members of the party. This is what we have in Europe. The last dictatorship in Europe is in a country called Belarus.

□ 2000

The United States has already—and I would lend to the demand of the release of all political prisoners, presidential candidates, and their official representatives who are being held in KGB detention centers in Minsk. Yes, in Belarus, they still call the secret police the KGB. The United States and this Member stand in solidarity with all opposition activists with those currently being held and those who are still in hospitals and those already who are in jail.

The new media ability of democratic movements in this country are great at especially being able to use the Twitter accounts, using Facebook, using

photos. A lot of these were conducted through new media. It underscores the brutality of the Belarusian leadership and the dictator, Lukashenko. I would hope that the international community, especially the European Union and the United States, would place the Belarusian Government on record that they should not hope to be able to join in the opportunities afforded to free and democratic countries when they treat their citizens who are only asking for the right to have their voice heard and the right to choose the representatives of the people.

END HUNGER NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Madam Speaker, as we near the end of 2010 and the 111th Congress, I want to take a few minutes to talk about an issue that is critically important to the health and the well-being of our country. It's also an issue that I care deeply about and it's an issue that's rarely discussed. And that issue, Madam Speaker, is hunger. I've said it over and over again, but it bears repeating. Hunger is a political condition. We know how to end hunger in America. We have the resources to do it. What we need is the political will to make it happen.

We've made some important progress over the last few years. We enacted historic improvements in the food stamp program, now called SNAP. WIC, the program that ensures that pregnant mothers and their newborns and infant children have access to nutritious food, has been fully funded. Food banks received the assistance they need to fill their shelves as they worked to put food in the hands of hungry families. We passed the Hunger-Free Communities Act, a law that provides localized grants to combat hunger around the country. The farm bill included historic improvements to antihunger programs—most importantly, indexing SNAP to inflation. The Recovery Act did even more by increasing emergency funds to SNAP beneficiaries, allowing them to buy more food at a time when their incomes were falling because of the economy. Finally, on December 13, President Obama signed the Healthy, Hunger-Free Kids Act into law. This will improve the quality of food served at schools to our Nation's children.

Madam Speaker, I have been honored to serve as the cochair of the House Hunger Caucus, and I want to thank my colleagues on that caucus, Democrat and Republican, for their commitment to this critical issue. I especially want to thank JO ANN EMERSON for her incredible work. But we have much more to do.

The USDA recently released their annual food insecurity, or hunger, statistics. The simple and unfortunate fact is this: Because of the economy, hunger is getting worse in America, not better. In 2009, the number of hungry Americans increased by 1 million over the previous year. According to the latest data, over 50 million Americans, including 17.2 million children, went hungry at some point in 2009. Madam Speaker, these are the highest numbers ever collected by USDA. And if that weren't bad enough, future SNAP funds—money provided under the Recovery Act—have been raided for other critical programs.

Madam Speaker, I love this institution and I am honored to serve as a Member of Congress, but it is a peculiar place. None of my colleagues, Democrats or Republicans, will tell you that they are pro-hunger. You'll never see a Member of Congress take a bottle out of the mouth of a hungry baby or swipe a can of beans that has been donated to a local food bank, but that's precisely what we will be doing if we choose to balance the budget on the backs of the poor and the hungry in this country.

I want to tackle our deficit as badly as anyone else. And in order to dig ourselves out of this fiscal hole, then all of us will need to sacrifice—not just the poor and not just the middle class. It is simply unacceptable to provide billions in tax relief for millionaires and billionaires while at the same time cutting programs that literally put food in the mouths of hungry people.

Ending hunger is not just the right thing to do—it's also in the best interest of our Nation's future. It's a national security issue. It's an education issue. It's a jobs issue. It's a health care issue. It's a productivity issue. It's a fiscal health issue.

We have a lot of work to do, Madam Speaker. The President said he's committed to ending childhood hunger by 2015, but we're not doing enough to reach that goal. Budgets will be tight for the foreseeable future, and it's going to be difficult to fund these vital programs. I've repeatedly called on the White House to convene a conference on hunger and nutrition. Let's develop a comprehensive plan to tackle this terrible problem.

But, Madam Speaker, this issue is not going away. We must not ignore the needs of the hungry in America. We must continue to work with antihunger groups, nutrition groups, religious groups, and the administration and others to finally end hunger in America.

We can do this. We can end hunger in America if we have the political will to do it. I urge my colleagues in the 112th Congress to join in this effort.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

(Mr. RANGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

(Mr. JACKSON of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

START TREATY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Well, down the hall we have the Senate as they have been taking up the START Treaty to help limit our defense of ourselves with a country that is not the country we're most concerned about. We seem to keep ignoring the fact that Iran continues to move forward developing nuclear weapons, and once they have them, then that is the game changer. Of course, we know that even in this hemisphere that there's the potential for rockets that could reach the United States. It's nothing to fear if we act appropriately and don't stick our head in the sand, as the START Treaty apparently attempts to do.

For example, we've got people in the Senate that do not understand that the President has the power to negotiate treaties. The Senate's role is in advising and consenting, but they don't have the power to amend the treaty. That has to be done between the other country and our President. So they can make suggestions, but that language is not binding unless the other country agrees to it.

So all this frivolous stuff, all this discussion, it is meaningless unless Russia were to adopt it. And when you look at the preamble to this START Treaty, despite what the President says and despite what people in the Senate are saying about it not affecting missile defense, the preamble says: Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms,

that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the parties.

Now, maybe from the legal training and the judicial training it helps to read and understand that better, but the Russians make pretty clear they intend for this treaty to restrict a defense system. How do people down the hall not get that? It seems pretty clear. We have an obligation to support and defend this Constitution. We took an oath to do that.

□ 2010

We have never ratified a treaty in a lame duck session. Yet that is exactly what is being attempted down the hall right now. People who have been voted out of office because the majority in their States did not want them representing them anymore are down there cutting a deal with the Russians.

The election should have consequences, and people should have the decency to note that the majority of the people in their States have spoken, to go home and to not set a precedent of being the first lame duck session that people didn't want consenting to treaties providing consent to the treaty. It is so inappropriate what is going on down there, and then they stand there and tell us, Oh, no. This will have nothing to do with our missile defense shield.

We had a President back in the 1980s who, despite all the jokes, despite all the insults hurled at him, insisted that the thing that was maddest of all was the concept of mutually assured destruction, that insane was the idea of two countries saying, We'll both develop so much in the way of nuclear offensive capability that one won't attack the other because they will know the other will attack them, and they will both be wiped out.

So along came President Reagan, and he would not leave it alone.

We are going to defend ourselves. We took an oath to do as much, and if Russian, Iranian, Venezuelan, Cuban missiles—any kind of missiles—pose a threat to the United States, we have an obligation to defend ourselves.

But not according to this President.

According to this President, we are basically going to unilaterally mutually disarm, which is what happened with the Polish missile defense site. I understand it has now been revealed that the Russians had hopes, according to their early documentation, that eventually in the final document they would get the United States to agree to abandon their plans to put a missile defense shield in Poland. However, they didn't realize that they were negotiating with a new President of the United States, who promised hope and change and that the hope and change that he was bringing was a change unlike any negotiation in our past. We were going to unilaterally lay down our best leverage, not ask for anything in return and think we'd somehow be better off.

Well, that's not the way negotiations work in the world among individuals. Especially for those of us who are Christian, you treat individuals with respect. You follow the admonitions and the teachings of Jesus. Yet, as the national leader, we have a different obligation—not to go into people's bank accounts, into their homes, to take their money against their will, and give it to our favorite charities. We were told they were supposed to do it with their own money. We were not to abuse the process of this body to go legalize stealing people's money to give to our favorite charities. Let the people do that. It is one of the things that made us great. The charitable, bighearted people in America have helped make America great.

But as people who are elected to come to Washington help lead this country, we have a different obligation. We are supposed to defend this Nation. We are supposed to provide for the common defense so that people who live in America can have a Merry Christmas, can have a Happy Hanukkah, can have the enjoyment and the freedom of religion. Operating under a Judeo-Christian system, as this was formed, all people could worship as they chose, and people could be defended as they did so; but to do that, you cannot unilaterally lay down the arms of this Nation.

We—I say ''we'' cumulatively. This President just gave away, early on last year, our best card. That's not really looking out for the American people. It's looking out for the Iranians; it's looking out for the Russians; it's looking out for the North Koreans, the Venezuelans, the Cubans, and those who might at some point like to see us gone and who have said as much, but it's not looking out for America.

Now, this administration has never been a fan of missile defense just as many Democrats were not of the plan President Reagan proposed; but because the Russians—the Soviets at that time—couldn't keep up and were already spending too much money, the Soviet Union fell. Clearly, this treaty links offensive reductions with missile defense.

So these guys down the hall may think they're doing a wonderful thing for America, but they're not. They may think, Gee, the President has said this about the treaty, so maybe it's true.

My friend Andy McCarthy, Andrew C. McCarthy, had a posting today, on December 21, with National Review Online, and it bears particularly on this point, so I will read from Andy McCarthy's article because it is so well written. These are Andrew McCarthy's words.

''Patting himself and his fellow Senate Republicans on the back for selling out on President Obama's new START Treaty, BOB CORKER absurdly claims that all is well because, despite treaty terms that patently disserve our national security, Senators have held debates, and because he and Senator RICHARD LUGAR have drafted a swell 'resolution of ratification' that purportedly addresses New START's serial flaws. Meantime, an unidentified JOHN MCCAIN admirer tells Rich the crafty 'ol Maverick deserves kudos for pressuring Obama into writing a letter talking up missile defense.''

Mr. MCCARTHY goes on.

''Whoopee! Don't you feel better about the GOP now? This is the most craven sort of nonsense.''

Mr. MCCARTHY goes on.

He writes, ''These Senators are trying to rationalize their inexcusable approval of a bad treaty they lack the backbone to vote down. Holding debates? It's commonplace to mock the U.N. General Assembly as a 'debating society' because the term connotes how inconsequential its exertions are.

''As for the vaunted resolution of ratification, I defer to John Bolton and John Yoo. Writing in The New York Times last month, they explained that the Obama administration hoped to sell its 'dangerous' bargain by diverting attention from the treaty, itself. Attention would instead be focused on the ratification resolution, which they predicted would be loaded with 'a package of paper promises'—variously called 'conditions,' 'understandings' and 'declarations'—that would purport to address concerns about missile defense, the condition of our nuclear arsenal, treaty limitations on conventional weapons, et cetera. Ambassador Bolton and Professor Yoo continued.''

They said, ''Senators cannot take these warranties seriously—they are not a part of the text of the treaty, itself.''

□ 2020

As Eugene Roskow, a former Under Secretary of State, put it, such reservations and understandings ''have the same legal effect as a letter from my mother.'' They are mere policy statements that attempt to influence future treaty interpretation. They do not have the force of law; they do not bind the President or future Congresses. The Constitution's supremacy clause makes the treaty's text the ''law of the land.'''

''Instead, Bolton and Yoo asserted, 'To prevent New START from gravely impairing America's nuclear capacity, the Senate must ignore the resolution of ratification and demand changes to the treaty itself.' This is exactly the duty from which Senate Republicans are abdicating. The ratification resolution is nothing. The Presidential letter Senator McCain is said to have extracted is less than nothing: it lacks even the patina of a legislative act and is about as enforceable as a Presidential commitment to close Gitmo or televise the government's health care deliberations on C–SPAN.

''The administration is wrong on national security policy and politically

weakened by the midterm thrashing. The treaty is awful, which is why there are so many things to address in resolutions and letters. If you can't get Republican Senators to do the right thing under these conditions, then when?

''One more related point.'' Mr. McCarthy says, ''Based on my argument in yesterday's column that the Senate may not unilaterally rewrite treaties or enact amendments that alter treaty terms, a friend suggests there is daylight between my position and that of Bolton and Yoo. There is none. Yes, Bolton and Yoo recount Senate action that has resulted in treaties being altered, but here's what they say:

'' 'When it approved the Jay Treaty in the 1790s, which resolved outstanding differences with Britain, the Senate consented only on condition that President George Washington delete a specific provision on trade. Washington and Britain agreed to the amendment, and the treaty entered into force. In 1978, the Senate demanded changes to the text of the Panama Canal treaty as the price of its consent.' ''

MCCARTHY goes on and says, ''This is no different from what I am saying. The Senate in these cases did not claim the power to change treaty terms or enact resolutions that pretended to fix deep problems without altering treaty terms. To the contrary, Senators told Presidents Washington and Carter that there would be no consent unless they went back to the countries in question and got the problematic terms changed.

''The Senate can pass amendments that amplify American understandings about a treaty; the Senate cannot unilaterally alter the core understandings in an agreement—that latter would render it no longer an agreement, and hence not a treaty. Thus, did Messrs. Bolton and Yoo conclude: 'While the Constitution gives the President the prime role in the treaty process, the Senate has the final say. If 34 Senators reject a treaty, no President can override them.'

''Voting to reject is the Senate's duty when confronted with a treaty that disserves the national interests. It is the current Senate's dereliction on New START—a fact no resolution or Presidential letter can paper over.''

It does no good to pass resolutions saying we think it means this or that when the words clearly enunciate the fact that missile defense is tied and part of this. It is affected.

If the Senate were to come back and say, all right, as they did in the 1790s, we will only consent if the President and Great Britain change these terms—in this case, if the President and Russia agree to change these terms—then we give our consent, have a condition precedent. But that's not what's going on here. We're writing letters. We are putting resolutions, this is what we think. That doesn't make any difference at all. People need to understand the role that they play in this government under our Constitution because, otherwise, they're doing a great deal of damage.

Now, it's just staggering. We have no business entering a treaty when we're still just leaving Iran hanging out there, trying to get the centrifuges going, developing nuclear weapons, cutting deals with other countries who also hate us. And we in America, what are we doing? We're paying billions of dollars to countries that would like to see us fall.

We're supporting a U.N. that thinks it's fine to treat women and children like property and allows the worst kinds of abuses to go on and, not only that, puts countries who have massive civil rights abuses in charge of their civil rights, the human rights. It's just incredible what's going on.

So I will continue in the next Congress to push my U.N. voting accountability bill. We mean no ill will to countries that hate our guts, but we don't have to pay them to hate us. So it just says any country that votes against our position in the U.N. more than half the time in 1 year will not get a dime of financial assistance of any kind from us the next year.

Those are the kinds of things you do when you're representing a country and your oath and your obligation require that you protect that country, not lay down your arms, not lay down your defenses and think that the wonderful good will of others will see how wonderful you are in unilaterally dropping your weapons. You don't do that. There are consequences.

Even going back to ancient Israel—and I realize there are people like Helen Thomas who don't realize there was an ancient Israel, but there was. And in fact, hundreds of years before there was Mohamed, there was an ancient Israel. But if you go to the days of Hezekiah, when the Babylonian leaders came over, and of course, we had the account in the Old Testament of Isaiah coming to Hezekiah. He knew what he had done. He said, What did you do? Oh, these wonderful leaders—this is, of course, Texas paraphrase—these wonderful leaders from Babylon came over. So we showed them all our treasure, and we showed them all of our defenses. In essence, Isaiah pointed out, you fool. Because you've done this, you will lose your country. You don't show your enemies your defenses without a severe cost. In the case of Israel, it cost them everything. You don't do that.

Individually, you can love and care and nurture. As a national part of a government, we have an oath and obligation to the people that live here to provide for the common defense, and that means you don't give away the defenses. You don't lay down your arms. You do what you can to protect America. In fact, I pointed out before, but I heard friends say today that, you know, people who consider themselves Christian, especially this time of year, should be in favor of all kinds of bills of Federal money being given to wonderful charitable causes. Well, individually, that's correct.

But as a Nation, we get a good indication from the story of Zachias, because after Zachias met Jesus, he was so overwhelmed with guilt for how he had abused his taxing authority, that he gave back the money, in fact, gave a four to one rebate to those from whom he took too much money.

□ 2030

Now that would be an interesting thing to see. And I had advocated for a payroll tax holiday 2 years ago. According to Moody's, it would have increased the 1-year GDP more than any other proposal, including our official Republican proposal. I'm not for it now. We've squandered way too much money. And we're running up debt like nobody would have ever dreamed, $3 trillion in 2 years? My word, my first year in 2005, I was hearing people across the aisle beating up on us because we had at one point $160 billion deficit, and that was outrageous. And my Democratic friends were right, we shouldn't have been running $100 billion, $200 billion deficit. Who would have ever dreamed that 5 short years later, they would have run up a $3 trillion deficit in 2 years, 10 times the deficit they were complaining about just 5 short years ago.

Well, those are some things that are great cause for concern. Did Republicans not learn anything from the election? Did people think that once the election was behind us, it was business as usual? Do Democratic and Republican Senators who are up for election in 2 years think that people across America are not watching? They're watching more today than they've ever watched in this Nation's history. They're paying attention. Who's doing what? And for those who are found to have had one big last zesty giveaway program after another, there will be a price to pay. And for those who rushed in and cut a deal with the Russians that the Russians didn't agree with; therefore, it is not binding. The only thing that's binding is what they consent to that the President has already agreed with Russia on, that will be the treaty, and it limits our missile defense. And it will be no consolation to anyone someday that—whoops, incoming—and we agree not to develop our missile defense with the Russians. Sorry, these missiles aren't coming from Russia, but the Russians got us to agree not to develop missile defense; therefore, we have no defense to what these enemies of America are sending. That's irresponsible. We should not be doing that. And I had hoped to end on a more positive note tonight.

Madam Speaker, if I could inquire how much time I have left.

The SPEAKER pro tempore. You have 34 minutes.

Mr. GOHMERT. I thank the Speaker.

I would like to finish by going through some of the Christmas proclamations by U.S. Presidents. I touched

on some of these last week but was wanting to read some different messages this week because I think they're very helpful to Americans who believe, unfortunately, as the President does, that we have never been a Christian Nation. I won't debate whether we are or not now because we may very well not be now. But fortunately, this country was established under Christian notions that allowed people the freedom to worship as they choose. Because heaven help us if we had a Constitution based on sharia law, then obviously there wouldn't be a Don't Ask, Don't Tell because that's a capital offense, to commit a homosexual offense under sharia law. So no need for Don't Ask, Don't Tell. No need for appeal under sharia law. Apparently it is a capital offense if you commit a homosexual act.

But also under sharia law, there's no room for Christians to worship any way they choose. The only way you can have all religions worship as they choose is to have a country based on Christian tenets. And that's what we started with. And we seem to be trying to get away from that, and it seems to be eroding people's freedoms of religion, particularly Christians.

So how ironic that we seem to be coming full circle, 360 degrees, so that we can eliminate the freedom to worship publicly in the public square, which are the very Christian tenets that allowed us to have and become the greatest country on Earth in Earth's history.

So these are words from Franklin Roosevelt in 1933. This was his first year as President. Franklin D. Roosevelt, December 24, Christmas Eve 1933, provided us these words. Roosevelt said, ''This year marks a greater national understanding of the significance in our modern lives of the teaching of Him whose birth we celebrate. To more and more of us, the words, 'Thou shalt love thy neighbor as thyself,' have taken on a meaning that is showing itself and proving itself in our purposes and daily lives. May the practice of that high ideal grow in us all in the year to come.'' Roosevelt finished by saying, ''I give you and send you one and all, old and young, a merry Christmas and a truly happy new year. And so for now and for always, God bless us, everyone.''

Moving to 1947, another one of the Christmas messages I did not mention last week. This is Harry Truman, December 24, 1947. And I won't read the entire message. But these are Harry Truman's words. He said, ''There can be little happiness for those who will keep another Christmas in poverty and exile, separation from their loved ones. As we prepare to celebrate our Christmas this year in a land of plenty, we would be heartless indeed if we were indifferent to the plight of less fortunate peoples overseas. We must not forget that our revolutionary fathers also knew a Christmas of suffering and desolation. Washington wrote from Valley Forge 2 days before Christmas in 1777, 'We have this day no less than 2,873 men in camp unfit for duty because they are barefooted and otherwise naked.'''

Truman goes on, ''We can be thankful that our people have risen today, as did our forefathers in Washington's time, to our obligation and our opportunity. At this point in the world's history, the words of St. Paul have greater significance than ever before. He said, 'And now abideth faith, hope, charity, these three. But the greatest of these three is charity.''' Truman said, ''We believe this. We accept it as a basic principle of our lives. The great heart of the American people has been moved to compassion by the needs of those in other lands who are cold and hungry. We have supplied a part of their needs, and we shall do more. In this, we are maintaining the American tradition. In extending aid to our less fortunate brothers, we are developing in their hearts the return of hope.

Because of our forts, the people of other lands see the advent of a new day in which they can lead lives free from the harrowing fear of starvation and want. With a return of hope to these peoples will come renewed faith, faith in the dignity of the individual and the brotherhood of man. The world grows old, but the spirit of Christmas is ever young. Happily for all mankind, the spirit of Christmas survives travail and suffering because it fills us with hope of better things to come.

Let us then put our trust in the unerring star which guided the wise men to the manger of Bethlehem. Let us hearken again to the angel choir, saying, 'Glory to God in the highest, and on Earth, peace, goodwill toward men.' With hope for the future and with faith in God, I wish all my countrymen a very merry Christmas.''

□ 2040

Christmas Eve, 1949, President Harry Truman gave us these words: the first Christmas had its beginning in the coming of a little child. It remains a child's day, a day of childhood love and of childhood memories. That feeling of love has clung to this day down all the centuries from the first Christmas. There is clustered around Christmas Day the feeling of warmth, of kindness, of innocence, of love, the love of little children, the love for them, the love that was in the heart of the little child whose birthday it is.

Through that child love there came to all mankind the love of a divine father and a blessed mother so that the love of the holy family could be shared by the whole human family. These are some of the thoughts that came to mind as I gave the signal to light our national Christmas tree in the south grounds of the White House.

President Truman goes on and says, sitting here in my own home, so like other homes all over America, I've been thinking about some families in other once-happy lands. We must not forget that there are thousands and thousands of families homeless, hopeless, destitute, and torn with the despair on this Christmas Eve. For them, as for the holy family, on the first Christmas, there's no room in the inn. We shall not solve a moral question by dodging it. We can scarcely hope to have a full Christmas if we turn a deaf ear to the suffering of even the least of Christ's little ones.

Since returning home, I've been reading again in our family Bible some of the passages which foretold this night. It was that grand old seer, Isaiah, who prophesied in the Old Testament the sublime event which found fulfillment almost 2,000 years ago.

Just as Isaiah foresaw the coming of Christ, so another battler for the Lord, St. Paul, summed up the law and the prophets in a glorification of love which he exalts even above both faith and hope.

Truman says, we miss the spirit of Christmas if we consider the incarnation as an indistinct and doubtful, far-off event unrelated to our present problems. We miss the purport of Christ's birth if we do not accept it as a living link which joins us together in spirit as children of the ever-living and true God. In love alone, the love of God and the love of man, will be found the solution of all the ills which afflict the world today.

Slowly, sometimes painfully, but always with increasing purpose, emerges the great message of Christianity. Only with wisdom comes joy, and with greatness comes love. In the spirit of the Christ child, as little children with joy in our hearts and peace in our souls, let us as a Nation, dedicate ourselves anew to the love of our fellow men. In such a dedication, we shall find the message of the child of Bethlehem the real meaning of Christmas. That's Harry Truman.

And I'll skip forward several years. Let me read this from 1976, from Gerald Ford: the message of Christmas has not changed over the course of 20 centuries. Peace on Earth, goodwill towards men, that message is as inspiring today as it was when it was first proclaimed to the shepherds near Bethlehem. It was first proclaimed, as we all know, then.

In 1976 America has been blessed with peace and significant restoration of domestic harmony. But true peace is more than an absence of battle. It is also the absence of prejudice and the triumph of understanding. Brotherhood among all peoples must be the solid cornerstone of lasting peace. It has been a sustaining force for our Nation, and it remains a guiding light for our future.

The celebration of the birth of Jesus is observed on every continent. The customs and traditions are not always the same, but feelings that are generated between friends and family members are equally strong and equally warm.

God bless you.

This is from President George H.W. Bush's message December 8, 1992: during the Christmas season, millions of people around the world gather with family and friends to recall the events that took place in Bethlehem almost 2000 years ago. As we celebrate the birth of Jesus Christ, whose life offers us a model of dignity, compassion and justice, we renew our commitment to peace and understanding throughout the world. Through his words and example, Christ made clear the redemptive value of giving of one's self for others. And his life proved that love and sacrifice can make a profound difference in the world.

Over the years, many Americans have made sacrifices in order to promote freedom and human rights. Around the globe the heroic actions of our veterans, the lifesaving work of scientists and physicians and generosity of countless individuals who voluntarily give of their time, talents and energy to help others all have enriched humankind and confirmed the importance of our Judeo-Christian heritage in shaping our government and values.

Moving on to 2002, December, George W. Bush's message. He said, throughout the Christmas season, we recall that God's love is found in humble places, and God's peace is offered to us all. For nearly 80 years, in times of calm and in times of challenge, Americans have gathered for this ceremony.

The simple story we remember during this season speaks to every generation. It is the story of a quiet birth in a little town on the margins of an indifferent empire. Yet that single event set the direction of history and still changes millions of lives.

For over two millennia, Christmas has carried the message that God is with us; and because He's with us, we can always live in hope.

Our entire Nation is always thinking, at this time of the year, of the men and women in the military, many of whom will spend this Christmas at posts far from home. They stand between Americans and grave danger. They serve in the cause of peace and freedom. They wear the uniform proudly, and we are proud of them.

That's George W. Bush, December 2002, Presidential Christmas message.

And I might interject at this point, we know from our Declaration of Independence, we are endowed by our Creator with certain unalienable rights, and among them is the right to life, liberty and the pursuit of happiness. Then why, some would ask, if we're endowed, if these are given as an inheritance, why then do people all over the world not have life and liberty and the opportunity to pursue happiness like we do in this country?

It is an endowment. The Founders had that right. But as with any inheritance that's left to heirs, if the heirs are not willing to protect their inheritance, if they're not willing to fight the forces of evil, forces of greed, forces of lust and power lust, they will lose their inheritance to other evil people who will be glad to take it from them.

□ 2050

Thus it comes to us, the sacred, really sacred obligation that we owe this Nation to ensure our common defense so that the inheritance of all those alive today will be passed on to future generations. We don't have these freedoms because we earned them. We were not born to freedom because we deserved it. We were born to freedom, others came to this Nation, to freedom, because of the sacrifice of others who went before us. And so we enjoy the freedoms and inheritance, the endowment we have today.

We can fritter away this endowment or we can protect it. We can avoid unilaterally disarming and protect the American people in this blessed country so that future generations can enjoy that same inheritance.

Another message, Christmas message from George W. Bush was this: ''During Christmas, we gather with family and friends to celebrate the birth of our Savior, Jesus Christ. As God's only Son, Jesus came to Earth and gave His life so that we may live. His actions and His words remind us that service to others is central to our lives and that sacrifice and unconditional love must guide us and inspire us to lead lives of compassion, mercy, and justice. The true spirit of Christmas reflects a dedication to helping those in need, to giving hope to those in despair, and to spreading peace and understanding throughout the Earth.

''As we share love and enjoy the traditions of this holiday, we are also grateful for the men and women of our Armed Forces, who are working to defend freedom, secure our homeland, and advance peace and safety around the world. This Christmas, may we give thanks for the blessings God has granted to our Nation.''

We took an oath to provide the protection for this Constitution, in essence this country, against all enemies, foreign and domestic. We did not take an oath to legalize theft from people who earn money to give to our favorite and many extremely deserving charitable causes. That's not what we were supposed to do. We need to defend this Nation so that others can be as philanthropic, as charitable as only Americans seem to reach the full height of doing.

In this Christmas season, we want all people of all religions to be able to worship as they choose freely so long as they do not threaten the freedoms of this country. We have an obligation, we took an oath, an oath before God below those words, ''In God We Trust.'' Well, the people have trusted us not to shirk our duties to defend this Nation. And so that means individually we should be charitable, individually we should serve and help others, but as a Congress and as a Nation we should provide incentives for people to reach their God-given potential.

We shouldn't be paying people for every child they can possibly have out of wedlock so that we encourage nearly 45 years of people having babies out of wedlock. No one cares for deadbeat dads. It's despicable to have fathered a child and to not help in any way with the upbringing and the sustenance of the child that a father helped bring in the world. And yet the answer lies not in providing a financial incentive to lure young single women into a rut from which they cannot extricate themselves. It's immoral to lure young women into ruts with no hope of getting out.

And as a judge, I was prompted to leave the bench when I first started about thinking about running for Congress as I saw these young women who came before me for welfare fraud or for selling drugs, and their stories seemed so hopeless. But they were told if you just have a child, forget high school, you can start getting a check. And there are young women around the country who are going into this Christmas week feeling they have no hope. I saw them in my courtroom. And this Congress is to blame, the ones that preceded us are to blame. You meant well. Congress meant well. But instead of helping, we hurt future generations. Not just one, future generations.

It's time we undid that. It's time that in a spirit of Christmas we don't legalize taking somebody's money that doesn't want us to have it and giving to our favorite charity. What we legalize is incentives for people to reach their full, God-given potential, regardless of their race, creed, color, national origin, gender. We make sure that they have that opportunity. That's our obligation.

And as we go and approach Christmas, I close with the words of Benjamin Franklin in 1787. Suffering from gout, 80 years old, the Constitutional Convention was falling apart. There seemed no hope. Eighty-year-old Franklin, brilliant as ever, witty and clever as ever, but who had to have help getting into Independence Hall, was recognized by the president of the Constitutional Convention, President George Washington.

And he pointed out we have been going for nearly 5 weeks, we have more noes than ayes on virtually every vote. Franklin said, ''How does it happen, sir, that we have not thought of once applying to the father of lights to illuminate our understanding? In the beginning contests with Great Britain, when we were sensible of danger, we had daily prayer in this room. Our prayers, sir, were heard, and they were graciously answered.'' That's not a deist, by the way.

He went on and eventually said, ''If a sparrow cannot fall to the ground without His notice, is it possible that an empire could rise without His aid? We have been assured, sir, in the sacred writing that unless the Lord build the house, they labor in vain that build it.'' Franklin went on and said, ''Firmly believe this.'' He said, ''I also firmly

believe without His concurring aid, we shall succeed in our little political building no better than the builders of Babel. We will be confounded by local partial interests, and we ourselves shall become a byword down through the ages.''

He eventually moved that henceforth we begin each day with prayer in Congress. It was seconded by Mr. Sherman, unanimously adopted. And then Mr. Randolph added not only that, since this was the end of June, he added a provision that everyone in Congress be required to go hear a Christian evangelist on July 4th before they return and begin again in the constitutional making.

And one of the diaries reported that after that, and after they heard that Christian message, after entering into joint prayer as a Congress, led by a local minister, there was a new atmosphere, there was a new spirit, and as a result we got the Constitution that is the greatest founding document of any nation in the history of the world. Now, that is something that we have to thank God for.

So at this time of blessings, and thanks giving, and this Christmas season, Madam Speaker, I yield back.

□ 2100

PERSONAL OBSERVATIONS ABOUT OUR DEMOCRACY AND OUR COUNTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. EDWARDS) is recognized for 30 minutes as the designee of the majority leader.

Mr. EDWARDS of Texas. Madam Speaker, as I leave Congress after 20 years, I would just like to share a few personal observations about our democracy and our country.

First and foremost, I believe we still live in the greatest country in the world. We are a blessed Nation, and we have more freedoms and opportunities than most citizens of the world could ever imagine. The proof that all is not wrong in our country today is that our immigration challenge is not that people are trying to leave our country; it is that millions of people from all parts of the globe would do almost anything, including risking their lives, to come here.

Several years ago, I learned a lot about our country from a D.C. taxicab driver. In hearing his accented English late one night when I arrived at National Airport, I asked him when he first came to our country. He answered 20 years earlier. Then I asked him if he had a family, and he answered, yes, a wife, two sons and a daughter. I asked if they had come with him when he came here 20 years ago, and he said, no, they came 3 years earlier. He went on to explain. Imagine this:

For 17 years he came to our country for 10 months out of every year, working two jobs at a time, washing dishes and any other minimum-wage job he could find here. He said he would save a little bit every year for his family nest egg and enough to return to his home to be with his family for 2 months each year.

As the father of two young sons, I was floored, and said he could put millions of dollars in the back seat of that taxicab that night for me if I only would agree to be away from my wife and sons as much as he had been from his family, and it would not even be a temptation.

I asked him why he did it, and I will never forget his answer. He said, I had a hope and a dream that some day I might be able to raise my three children in a country where they could have just two things—religious freedom and the opportunity to be whatever they wanted to be.

Now, he said, my family is together here. I am a U.S. citizen. My sons are studying to become engineers and my daughter will be a doctor.

This hardworking immigrant taught me a lot that night in his taxicab about the American Dream and what is so special about our country.

I realize our democracy is not perfect, and I am well aware of the imperfections of those of us who serve in it. But sometimes in the midst of our daily lives, we Americans need to stop and think about our many blessings as citizens of this great country. In a time of widespread cynicism toward government, I believe it is also worthwhile to ask ourselves what is the role of our Federal Government. There can be no better foundation for that answer than the Preamble to our Constitution:

''We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity, do ordain and establish this Constitution for the United States of America.''

As with any statement of principle, our Founding Fathers left honest room for disagreement on the specifics of interpretation, but I would like to make several personal observations.

The preamble first begins with the words ''We the people.'' Those words make it clear that the cornerstone of our democracy is the people—not politicians, not Presidents, not any institution or special interest.

I believe one of the frustrations toward government today is that ''we the people'' don't feel government is listening to or working for us. There is a sense that the voice of the special interest is too often drowning out the voice of everyday citizens.

There is much truth in that observation, and I have concerns that the recent Supreme Court decision to let corporations and unions spend unlimited, unaccountable, untraceable amounts of money in campaigns will make the voice of everyday citizens even less audible. If outright bans don't meet the limits of a flawed judicial decision, that at the very least transparency must be required. ''We the people'' have a fundamental right to know who is spending millions of dollars to influence who is elected to our Congress.

''In order to form a more perfect union.'' I believe the greatness and goodness of our country is that ours is a history of each generation trying to reach ever-closer toward the ideals of liberty and justice for all. Rights that were once just the domain of white male landowners have slowly but surely been expanded to more and more Americans. The barriers of race, religion, gender and sexual preferences have with great pain and sacrifice slowly been knocked down. This road of progress has been paved with detours and roadblocks along the way, but it has inevitably been a road of progress toward a more perfect Union.

I am proud that in 2008 our Nation broke the racial barrier for the highest office in our land. But I temper that pride in 2010 with the disappointment that the issue of race is still an issue for anyone over a century-and-a-half after the signing of the Emancipation Proclamation. Let us not, however, let the imperfections of our Union blind us from seeing our blessings and our progress toward becoming a more perfect Union.

''Establish justice.'' In a society that is often critical of our legal system, I am grateful that we live in a country that presumes innocence until guilt is proven and that offers the fundamental right to a jury trial. While frivolous lawsuits do occur and should be stopped whenever possible, reason should dictate that we not limit the constitutional right of the citizen to a jury trial and that that right should not be based on one's wealth. It is not fair to begin the work of Congress in this House on this floor with the words of our Pledge, ''with liberty and justice for all,'' and then proceed on the House floor moments later to cut legal aid for low-income citizens.

''Insure domestic tranquility and provide for the common defense.'' In a world where evil and greed will always exist, defending our citizens' lives and property must always be a top responsibility of government. That is why I am so grateful for the noble calling of those who choose to serve our Nation in law enforcement and in military uniform. Those who defend us from criminals here at home or from threats from abroad have chosen a noble calling in life and should always be treated with our words and our deeds as the true heroes they are.

The record will show that in the past 4 years under the Democratic leadership of Speaker PELOSI and with the leadership of Chairman OBEY and Chairman FILNER and others, this Congress has made unprecedented strides in our investments in better health care and benefits for our veterans. We did so while recognizing that we can

never fully repay our debt of gratitude that we owe those who have served our Nation in uniform and their families.

''Promote the general welfare.'' On this principle there can be much honest disagreement, and I respect that fact. Perhaps what is most important in this idea to me is that it underscores that we Americans are not just individuals separate from one another, but that our Founding Fathers recognized the welfare of one is not distinct from the welfare of all of us. ''We the people'' truly have common bonds as American citizens.

My personal view is that government cannot ensure success for individuals. That requires hard work and solid values, and those come from our families and our faith, not from the government. Yet I do believe that the general welfare of ''we the people'' is enhanced if government and private enterprise work together to give those willing to work hard and play by the rules a fair opportunity for just a few things in life for themselves and their families.

□ 2110

A good job, a decent home and a safe neighborhood, affordable health care, a quality education for their children, and retirement security. Government cannot guarantee these outcomes, but it should work to provide a fair opportunity to all willing and able to work hard for them. Government should provide a helping hand to those who are willing to help themselves.

The general welfare, to me, really means opportunity. And it is my belief that the ultimate goal of government should be to provide every child in America—every child—a fair opportunity to reach his or her highest God-given potential. That is what Head Start, public school funding, college student financial aid, and many other Federal programs are all about. These programs are helping hands, not handouts. They're investments in opportunity for our citizens and our country's future.

For those who cannot help themselves because of their physical or mental health care problems, we the people are a compassionate people, and the general welfare, along with our basic sense of decency and faith, dictate that we help those who cannot help themselves. That is a proper role of the Federal Government.

For those who believe there's virtually no role for the Federal Government much beyond national defense, I would point out that our Founding Fathers realized over two centuries ago that the failure of the Articles of Confederation was that they committed ourselves to being a country of separate States, more than one union. That's why our Founding Fathers committed to adopting a new Constitution with stronger powers vested in a Federal Government. Our Founding Fathers so long ago understood that the general welfare of our citizens could not be effectively served by simply that loose association of States. There are some today who envision turning the clock back to a system that didn't work over two centuries ago and certainly would not work today in today's more complex society and economy.

Despite its imperfections, I believe the Federal Government plays a vital role in providing for the general welfare of we the people. At the same time, I would say that the general welfare of our children and grandchildren demands that the Federal Government do a better job of living within its means.

While deficits are to be expected in times of war and recession, long-term deficits must be brought down. This should be one of the highest national priorities in the years to come. After having turned serious deficits from the early 1990s into the surpluses of the late 1990s, Congress, in my opinion, made an enormous mistake in letting expire the pay-as-you-go rules, passing massive unpaid-for tax cuts in 2001 and 2003, and in expanding Medicare prescription drug programs in 2003, with none of these being paid for. This is not rocket science. It is simple math. Massive tax cuts passed in 1981, in the face of a major defense buildup, led to historic, unprecedented deficits. Two decades later, the same mistake was repeated when Congress passed massive tax cuts, the first ever of their kind during a time of war. Those of us who opposed those tax cuts predicted they would lead to deficits. Those who supported the tax cuts, if you'll check the record, said they would not lead to deficits. We were right, unfortunately, and they were wrong.

It is my hope that the free lunch philosophy of no-pain balanced budgets has been discredited enough by now so the next Congress can realistically make the tough choices needed to get our fiscal house back in order. Republicans in Congress need to stop peddling the disproven that tax cuts pay for themselves. They do not. Democrats in Congress need to understand that spending must be cut, that no cuts will be done without pain, but that ultimately uncontrolled deficits will harm low- and middle-income families even more through slower economic growth and the crowding out of education and health programs by increasing interest payments on the national debt.

Most importantly, the partisan finger-pointing should stop and the bipartisan work should begin. It should begin to ensure the general welfare of we the people is served by a physically sustainable Federal debt level. The choices will be difficult, but if they are made on a bipartisan basis, the people of the country will understand the necessity of those tough choices, just as they did in 1983 when President Reagan and Speaker Tip O'Neill worked together to save Social Security.

''Secure the blessings of liberty to ourselves and our posterity.'' Our forefathers understood that freedom is God-given and should be protected as the divine gift it truly is. Our troops have, for over two centuries, protected our freedoms from threats from abroad. Here at home we must continue to be faithful stewards of the freedoms of religion, speech, press, and association.

It is no coincidence that the first words of the Bill of Rights are dedicated to the principle of religious liberty built upon the foundation of what Thomas Jefferson called the sacred wall of separation between church and State. Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Religious freedom is the first freedom. It is the freedom upon which all other freedoms are built. Mr. Madison and Mr. Jefferson understood that religion should be based on a pedestal high above the reach of politicians.

I believe America's model of religious liberty is perhaps the greatest contribution to the world from our experiment in democracy. It has been built upon the bedrock of church-State separation. And for those who misunderstand that principle, church-State separation does not mean keeping people of faith out of government. It does mean keeping government out of our faith. All of human history has proven that if politicians are allowed to regulate and get involved in religion, they cannot withstand the siren songs of using religion as a means to their own political ends and of stepping on the rights of religious minorities by trying to ingratiate themselves with the religious majority.

If I could offer only one piece of advice to the press, the public, and to future Members who will serve in Congress, it would be to be aware of those who, whether motivated by good faith or by political gain, would try to help religion by chiseling away at the wall of separation between church and State. God doesn't need their help or government's help. If He chose to give each of us the right to believe or not to believe, it would be sacrilegious for politicians to limit that divine right.

Government can make a lot of mistakes that can be corrected, but if the Pandora's box of intermingling government and religion is ever open, it will unleash divisions among us that we cannot even imagine. Human history has proven that lesson over and over again. Mr. Madison and Mr. Jefferson got it right in the first 16 words of the Bill of Rights, and it would be wrong to undo those words or the principle they represent.

In the short run, I have some serious concerns about our democracy. Partisanship is too prevalent, especially since solving the major challenges facing our country—the deficit, health care, energy, immigration reform, and competing in the world economy—will require bipartisanship to not only pass effective legislation but to secure public support for those laws after their passage.

Sound-bite politics of television and radio interviews and talk shows and

campaign ads make it difficult to develop responsible solutions to complex problems. Thirty-second campaign TV ads are seldom a template for responsible problem-solving. The stovepiping of news sources, where citizens are hearing the news they want to hear, reinforcing their already held views, is digging deeper the lines of political division in our country. The demonizing of those who think differently is creating coarseness in our political discourse that neither serves our democracy nor sets a positive example for our children. If adults don't treat each other with respect, can we expect any different from our children?

□ 2120

The loss of centrists—Republicans and Democrats alike—in Congress will make it more difficult in the years ahead to find the common ground of compromise. A parliamentary government can work with one party on one end of the political spectrum and another on the other end with few in between, because the party in the majority in that type of government has the power to implement its programs. However, in our American democracy, built upon the principle of checks and balances, bipartisanship is needed to pass laws on major issues and then to earn acceptance of those laws from the public.

The financial problems of major regional newspapers have reduced the impact of one of the key checks and balances of our democracy—a vigorous and free press.

The financial power of corporations, unions and special interests, especially under the Citizens United Supreme Court case, to spend unlimited, nontransparent millions in congressional races without any accountability to the public who funds those races could seriously undermine the integrity of not just campaigns but of voting decisions made by Members of Congress.

Despite all of these challenges in the short term, I am confident of America's long-term future. Our people and our democracy are resilient. When Americans face hardship, we find a way to endure and overcome those hardships. They always have. We always have and always will as a people. When our democracy gets off center, we the people find a way to bring it back in line.

In every generation, including that of our Founding Fathers, there have been predictors of doom. In every generation, they have been wrong. Americans have faced a revolutionary war, a civil war, two world wars, and a great depression. In each case, we the people found a way to meet those challenges and overcome them.

While I have met some famous people over the past 20 years of my public service, I have seen the soul and spirit of America through the lives of everyday citizens. It is they who give me faith in our future. It is the teacher who volunteers to help students after school; the military widow who asks how she can help other grieving widows; the soldier who misses the births of his two children while he is serving his country overseas; the veteran who continues giving back to country long after his or her service is completed; and the hardworking small business people—farmers and workers—who work hard every day just to provide a better life and hope for their families.

I will never ever forget Erin Buenger—a beautiful, little, red-headed girl from Bryan, Texas—in my district—who came to Washington to lobby me for better health care research for rare children's diseases. For 7 years, Erin fought bravely against a rare cancer, neuroblastoma. Yet you would never have known she had had a bad day in her life because she was so full of life. Erin won my heart. She won my heart before she died at the age of 12, but her spirit will always live on to inspire me and those blessed to know her—to inspire us to do better, to be better. As long as we have Americans with the courage, values, and heart of Erin Buenger, who personified the American spirit, our Nation's future will be bright.

I would save the last words I will speak from this House Chamber for my family. Throughout my years in Congress, it was my wife, Lea Ann, and our two sons, J.T. and Garrison, who always kept me grounded. Every day of public service has truly been an honor, and I am grateful to the people of Central Texas for that privilege, but throughout the years, it was the love from my family and my love for my family that always meant the most to me. It was their love that reminded me what life and public service should be about.

I can never say enough about the personal sacrifices and responsibilities that Lea Ann took on to make my work possible. She has been my personal hero throughout these years, and I love her with all my heart for who she is and what she has done as a wife, as a mother, as a USO cochair, and as a Boy Scout leader.

To our sons J.T. and Garrison, it is my hope that somehow I have shown them that trying to make a positive difference for others is part of our mission here on Earth, and that that mission begins with loving our families.

Serving the American family has been the privilege of my life, but the joy of my life has always been my family.

We the people are fortunate to live in the greatest Nation in the world. God has truly blessed us, and now it is up to us to be good stewards of those blessings.

Thank you.

THE DREAM ACT AND ITS WAY FORWARD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for 30 minutes as the designee of the Majority Leader.

Mr. POLIS. Madam Speaker, I rise today to talk about the young people whose futures are impacted by our Congress' failure to find a path forward with regard to the DREAM Act or to find some way of determining what they should do, what they should be—these Stateless individuals, these young people, these children of our Nation.

The DREAM Act is truly one of the most, if not the most, important pieces of legislation that we have discussed on the floor of the House. Certainly, for the individuals involved, it means everything—everything—to hundreds of thousands of de facto Americans. To them and to all of us, it is extremely important. We have a choice between forcing a brain drain from our country or retaining the best and brightest to contribute to our economy and make our economy stronger and our Nation more prosperous.

I will discuss the moral, economic, educational, and security reasons why we should pass the DREAM Act. As this Congress failed to act on the DREAM Act, it remains an issue that we simply must address with regard to these young people, and it cannot be ignored. I also want to pose two questions.

One is: What would we ask of these young people? What do we want them to do? The second: What action would they undertake that is best for us and our country? What should we be asking them to do for us?

First of all, what we are talking about here are young people who grew up in this country, who were brought here when they were 2 years old, when they were 6 years old by parents who were illegal immigrants but who made no choice to ever violate our laws and grew up in this country as any other American does. The young people we are talking about are the children that any parent would be proud of—our sons and daughters, our classmates in our schools, our brothers and sisters of native-born Americans, kids who stayed in school and graduated, who work hard, who stay out of trouble, who serve in our military. They are the children of our great Nation.

We in our country should be proud—not proud of the broken and dysfunctional immigration system and lack of enforcement that put them in this situation; not proud of their parents' violations of our immigration laws, no matter how out of touch with reality those laws may be; certainly not proud of the indignities, discrimination, and fear that these young Americans have faced at every turn—but proud, proud of how these young Americans have overcome adversity and have demonstrated American exceptionalism, their pluck, their ingenuity, their ambition, their drive, and their creativity in pursuit of, as our Declaration of Independence puts it, life, liberty and the pursuit of

happiness. These young people embody the very best of our American values, and we should be proud to call them our countrymen.

I was touched, Madam Speaker, by the great risks that many of these young people took in putting themselves out there—allowing their names to appear in newspapers and their faces to appear on television—in putting their futures at risk simply to tell us the story that they know we would understand: that they are here and that they are American.

This is a great Nation, and we will be stronger still, greater still with the full participation of these young de facto Americans, each with the opportunity to go as far in life as their ambitions and abilities will take them. I want to talk about a few of these young people today.

Prior to our successful passage of the DREAM Act out of the House—unfortunately, it later died in the Senate—I talked on the phone to several of the young people in my district, my constituents, who would be directly impacted.

□ 2130

This debate is really about young women like Zendy. Zendy was brought to the United States when she was 4 years old from Zacatecas, Mexico. Zendy grew up in the United States and didn't even know that her parents had taken her illegally until she was 9 years old when one of her friends was flying to Montana and their family invited her but her parents told her she couldn't go because she didn't have papers. Zendy went to prom senior year like other high schoolers. It was really cool, she said. Finally, my mom let me and I wanted to look pretty for prom. I didn't have a date so me and my friends went together.

Now, Zendy has a passion for law enforcement. As she puts it, quote, I want to help stop the drug cartels. Zendy, who is currently enrolled at the Community College of Denver, wants to be a DEA agent. Our decision in Congress will determine if she engages in law enforcement to protect our laws or is pursued by law enforcement in violation of our laws. We will create either an agent of public safety, or we will criminalize a young woman because of actions that were not her own.

The question that will face us and the next Congress: Will we allow Zendy to become someone who protects us or someone who we must spend money criminalizing and hunting? Which benefits America more? Zendy said, I want to be in law enforcement in doing what I want to do in my life. Madam Speaker, we want Zendy as an American.

This debate is about Claudia. Claudia's 21 years old and is a third-year college student at the University of New Mexico. She attends college in New Mexico because, unfortunately and shamefully, my own State of Colorado doesn't offer in-State tuition to residents who have lived there 10 years, 15 years. Claudia was brought to the United States when she was 7 years old. In high school, she was vice president of the Latino Youth Leadership Club and engaged in hundreds of hours of community service tutoring younger kids. Claudia enjoyed tutoring younger children and wants to be an early childhood education teacher, teaching preschool and kindergarten.

She has no immediate family in Guadalajara, Mexico, where her family took her from. She was brought up here and she doesn't have any memories of her old country. She's a role model for her 11-year-old sister. She said, It's sad that we're looked upon differently than other people, even though we've been here long enough to know everything. This law would help me be near my family. Claudia, when this Congress manages to pass the DREAM Act and immigration reform, would likely transfer to the University of Colorado closer to her family. It poses a question for us. Put yourself in that situation: What would we do? What's the right thing to do? Madam Speaker, we want Claudia as an American.

This debate is about Luis. Luis was brought to the United States by his parents when he was 10 years old in 2001. I talked to him on the phone last week. He grew up as American as anybody else. He was active in the French club and was on the soccer team at Skyline High School. He was accepted into the University of Northern Colorado but couldn't attend because of his lack of status. He wants to be a psychiatrist, but he's not in school because of immigration status. He was accepted to the University of Colorado, assigned to a dorm, went to classes for the first day, went up there and registered, but wasn't able to attend because of out-of-state tuition. Luis said, There's never a difference between me and my peers.

Luis also seems to have a potential career ahead of him perhaps as a pundit or in public service or even perhaps as a, God forbid, lobbyist because the way he put it to me is in language that would translate to Members of this Chamber. Luis said, with understanding far beyond the average for his age of 19, Many of the Republicans are looking into the money side of things. What I would tell them is that they should look at us not as a burden but as someone who would brighten their future. We are here and we're not going to go anywhere, and we're going to make this country better, create jobs, and make the economy better.

And I would ask any of my colleagues, particularly those in this Chamber or the other Chamber that have not yet been supporters of the DREAM Act, why are they against making our country better, creating jobs, and making the economy better? Or is there somehow a disconnect and they don't believe that Luis as a psychologist versus Luis as a worker in the underground economy would make our economy better, create jobs and prosperity for America? Luis said, America is the place where you can make things happen. Madam Speaker, we want Luis in America.

This debate is about Angel. Angel is a senior in high school, currently in my district in Colorado. His parents brought him from Zacatecas, Mexico, when he was 6 years old. In high school, he's very active and serves on the student council and the theater club. He won an essay contest a couple of years ago and got a trip to New York City where he told me how excited he was to meet members of the cast of ''Wicked.'' The 4 days he spent in New York City helped show Angel a key interest in the arts, and he wants to go to college for the performing arts. He just turned 19 years old and serves as a role model for his brother, who is in the same situation and is 14 years old and was brought here when he was 1 year old. Angel has no memories of any other countries, and he's never been to Mexico. Madam Speaker, we want Angel as an American.

This debate is about Michelle, a constituent from my district. I talked to her on the phone last week. Michelle was brought to the United States when she was 7 years old. Her little sister had a skin disease caused by pollution in Mexico City. She had a good life in Mexico City. Her dad was a lawyer. Her mom stayed at home. Now, both her parents clean homes in the United States.

Michelle is now in her first semester at Community College of Denver. She went to Fairview High School and was on the girls soccer team as a forward. She also won an award from the Boulder Youth Advisory Board, or YOAB, for greatest helper in the Boulder community because of her community service. She credited one of her teachers, Mrs. Carpenter, for helping to get her involved with community service, including the Rotary Club. Michelle has never been back to Mexico City. She's now 18 years old. She found out she was undocumented in 8th grade when she wanted to go on a school trip to Washington, D.C., our Nation's capital.

Michelle wants to transfer to study marine biology. She said, I would love to study marine biology, but I'm not sure they will let me because of my situation. She continued on the phone with me last week, My life is here now. It's not our decision to come here, but we came and we're studying and we're trying to make our life better than our parents and to make a good life for ourselves. They are stopping the dreams for students who don't have papers. I don't know if they want us to work in McDonald's or Wendy's. I don't know what they want us to do. They aren't letting us reach our goals or our dreams.

Madam Speaker, I ask all of us, What do we want Michelle to do? I believe, Madam Speaker, that we want Michelle as an American.

Constituent service is one of the most fulfilling components of our job on both sides of the aisle. An elected office, it's fundamentally a helping occupation. We enjoy helping people. We might have different ideas about how to do it, but that's why we're here. There is little satisfaction as good as helping a veteran who served our country get the benefits that he's entitled to but had been wrongfully turned down by a faceless bureaucracy. We're fundamentally in this business to help people. When a constituent can stay in their home because of our work and finding an alternative to foreclosure, what thrill can top that for a Member of this body?

And then, Madam Speaker, there's times when we're not able to help. Chih Tsung Kao is 24 years old. His story started when he was 4. He entered the States with his mother with a visitor's visa, which was later changed to a student visa. I talked to him on the phone last week. He said, I was basically dropped off at my grandmother's in Boulder, Colorado, as my mother left back for Taiwan.

During his stay with his paternal grandparents, his student visa expired due to their negligence. They forgot to renew it. Chih was 17 years old before he learned that his visa had expired. Since then he's looked for different legal routes to obtain some sort of legal status, all leading to that end. I was impotent in my office, as were our Senators, to help young Chih find any route that would allow him to contribute to this country. Chih is a college graduate with a civil engineering degree from the Colorado School of Mines, our premier engineering university in Golden, Colorado.

And now, Madam Speaker, Chih is serving in the Taiwanese military due to their conscription policy, and he's trying to readjust to his life there. This is how he describes his life. He said, I'm illiterate in Chinese which makes simple, everyday tasks here in the military difficult. I'm trying to learn basic spoken Chinese, but I can't even understand their basic commands. I try to move when others move. I will see how they will utilize me after my basic training ends and I'm assigned to a new post, but many superiors have told me they're not sure what they're going to do with me.

□ 2140

Now, you know, Chih contacted my office for help, but I wasn't able to intervene. And America lost this great mind, this great contributor, this great engineer.

He wrote to me an email. He said he hopes that his story helps paint a small piece of a larger picture for those who don't understand the situation and the feeling of helplessness that many students and young people have. He said, It's a hard thing, feeling like the country you consider home doesn't want you in the country at all.

Visualize this image, Madam Speaker, of a young man with an engineering degree from Colorado's premier engineering school, forced to serve in the military of a foreign country where he knows no one, trying to obey orders in a language he doesn't understand. It's farcical. This is a waste of human capital, a waste of our taxpayer money to spend hundreds of thousands of dollars educating Chih, only to force him to serve in the military of a country where he doesn't even speak the language and has no loyalty. It's absurd. And it happens every day.

The DREAM Act, which our House passed and the Senate failed to act on, will solve it; and it will be the challenge for all of us in this body in the next Congress to answer how we can help Chih and others like him. We hold their futures in our hands, Madam Speaker. And while this Congress failed to act, the question doesn't go away. It puts all of us in a position of having to go back to these young people—Claudia, Zendy, Chih—and say, Not yet, when we all know it's inevitable.

This debate is about how to make our country stronger, more secure, more prosperous. This debate is about our values. This debate is about Zendy and Luis. This debate is about our country and our future.

We've invested over $70,000 of taxpayer money in Michelle's education. Now it's our choice: Do we want her to be a respected marine biologist or an illegal immigrant cleaning buildings for $6 an hour? It's up to us. Which is better for us? Which is better for our Nation? In our shoes, what do we want them to do, these young people, to better us and to better our Nation? Is somehow consigning a future scientist who might discover the cure to cancer to clean offices at 2 in the morning at minimum wage or below wise?

Michael Crow, president of Arizona State University said, ''There is a million-dollar difference, over a lifetime, between the earning capacity of a high school graduate and a college graduate.'' Drew Faust, president of Harvard said, ''The DREAM Act would throw a lifeline to these students who are already working hard in our middle and high schools and living in our communities by granting them the temporary legal status that would allow them to pursue postsecondary education.''

By fixing this, Madam Speaker, we will not only help these young people, but we will help eliminate the achievement gap in our schools and inspire other students to achieve, by upping the ante of performance in our public schools.

In the words of Secretary Arne Duncan of Education, he said, ''Passing the DREAM Act will unleash the full potential of young people who live out values that all Americans cherish—a strong work ethic, service to others, and a deep loyalty to our country.''

If not the DREAM Act, then what? What do we tell these young people? What do I tell Michelle? What do I tell Zendy? How do any of us answer these constituents of ours who are stateless individuals?

The theme of my service in Congress is human capital issues: improving our schools, our education, increasing access to higher education, taking on entrenched interests where necessary to improve our human capital. But the flip side of the education aspect of developing human capital is immigration. Not only do we want to grow the next generation of global leaders here at home, but we want to import the best and brightest from around the world, and we keep shooting ourselves in our own foot in this regard.

We lost Chih not because of him but because of us. We turned a highly trained taxpayer-financed engineer into an incompetent enlistee in a foreign military. It doesn't sound very smart to me. We should want to provide students with powerful incentives to stay in school, do well, and graduate.

A 2010 study by the UCLA North American Integration and Development Center estimated that the earnings from the beneficiaries of the DREAM Act over the course of their working lives would be between $1.4 trillion and $3.6 trillion for America. We want them working in America. We are causing a brain drain of our own making, a drain in which the very best of a generation, the college-bound, the graduate school-bound, the doctors, the servicemen, the scientists and poets are given a terrible choice: go to a distant land where you have no connections, may not even speak the language, or stay here and work in an underground, unskilled labor market.

Fixing immigration and the DREAM Act would also improve our national security. Leaders from the armed services have been nearly unanimous in their support of the bill because they recognize it would help our military shape and maintain a mission-ready, all-volunteer force. Former Secretary of State General Colin Powell and military leaders from both parties have spoken in support of the DREAM Act, as has Defense Secretary Robert Gates.

You know, I don't frequently make moral arguments in this Chamber. I heard one of the earlier speeches by Mr. GOHMERT. And our theology doesn't have a lot in common, Madam Speaker, but we try to find common ground. I think the Members of this Chamber, whether they come from the faith traditions of Christianity or Judaism, Islam or Buddhism, agnosticism or atheism, various strings of orthodoxy within their traditions, we like to consider ourselves moral people.

Let me quote from Deuteronomy 24:16: ''Fathers shall not be put to death for their sons, nor shall sons be put to death for their fathers.'' There is not a moral code prevalent in Judeo-Christian thought that suggests that it's moral for humanity to visit the sins of the father upon the son.

These commonsense values are reflected in our legal code. When someone dies, their debts aren't passed to

the son or daughter. When an adult is pulled over for a speeding ticket, no ticket is given to the 2-year-old riding in the child's seat in back. But that's exactly what, in this debate, some people are advocating: Ticket the 2-year-old who was along for the ride, they say. What that 2-year-old was doing was illegal. They were speeding too. The child was speeding.

But regardless of one's faith, punishing the wrong person for a crime because of a blood relation, because of happenstance defies our ethical sense. Some have said, This is some kind of amnesty. One can't grant amnesty to people who haven't committed any wrong, who have not violated any law.

It makes no sense to talk of amnesty for a 2-year-old who is brought along on a ride that they didn't choose. Ticketing the 2-year-old makes no more sense than penalizing a child for passively being brought here by their parents. A 2-year-old, a 5-year-old, an 11-year-old not only is incompetent to make a choice to violate the law; but even if you assume that they were, and a 6-year-old was competent for their decisions to violate our immigration laws, they are, in practice, unable to economically or socially separate from the family unit that provides for their sustenance. No one with any degree of common sense can say a 6-year-old should leave their parents if their parents are violating some law. A child has to go with their parents. There is nothing else a child can do.

With our proposals, we were willing to even say we don't even go up to the age of 18. To eliminate any question, we said, If you are 17, if you are 16, then you are going to somehow be responsible. You should know better. You should leave your parents and home and support structure. And that's a painful concession to make because I think many of us know in our hearts that 16-year-olds, 17-year-olds that we know, are they really mature and capable enough to leave their parents and survive completely on their own? Some might be, but many are not.

So we set the maximum age of 15 in the DREAM Act. That's a concession we made, we thought, to make this bill low-hanging fruit to get it passed because no one can argue that an 8-year-old or a 12-year-old is capable of what we expect a 17- or 18-year-old to have done under this bill. The lack of having some mechanism of adjusting the status of these stateless individuals, these de facto Americans is immoral for our Nation and forces underage children to bear the heavy costs of their parents' decision to violate our laws.

You know, I wish that we had passed comprehensive immigration reform and replaced our broken immigration system with one that worked, and I am proud to say I am a cosponsor of the House bill to have done that. We should reduce the number of illegal immigrants from about 15 million to about close to zero. And we know how, and we can. But we did not, so we are where we are.

We're talking about, with regard to these young people, one of the politically easiest, bipartisan, most economically important, most morally pressing elements of immigration reform, recognizing the hundreds of thousands of de facto Americans who were brought here as minors without their knowledge or consent and that our taxpayer dollars have educated and will be living their lives in our Nation as legal entities with potential to eventually obtain the full rights and responsibilities of citizenship.

You know, passing the DREAM Act would reduce the number of illegal immigrants in our country by 500,000 people. Those who oppose the DREAM Act support the ongoing presence of over 500,000 more illegal aliens within our borders. Opponents of the DREAM Act make a travesty of the rule of law and facilitate the ongoing presence of undocumented foreign nationals inside our country which hurts the budgets of counties, cities, and frustrates States, with good reason. Opponents of the DREAM Act would make a criminal, rather than a police officer, out of Zendy.

□ 2150

States like Arizona have taken actions against illegal immigration precisely because of the size of this issue and Congress' complete failure to do anything about it.

With the DREAM Act, we had a chance to cut illegal immigration instantly by 5 percent. That's substantial. I'd rather cut it by 100 percent, but 5 percent is something we can be proud of, a first step to show the American people we're serious about solving the immigration issue.

At the same time, it strengthens our economy, improves our schools, makes money for taxpayers, $1.7 billion, and restores the rule of law to our Nation.

The CBO said that it will reduce the deficit by $1.7 billion. That doesn't even include the future income streams we talked about earlier. I certainly expect that all Members who are serious about reducing the deficit will enthusiastically support deploying the talent that these young people have to bear in our country.

In my home State of Colorado, roughly 46,000 people would have been eligible under the DREAM Act. Madam Speaker, I have to go back to them and tell them, Not yet. Be patient. Keep playing by the rules. Study hard. Work hard. Our country will get it right. I hope it's next year. I hope it's the year after. But not yet.

Our decision before us was clear. We had the choice of making a marine scientist out of Claudia or an illegal immigrant. Last week, I'm sad to say, Madam Speaker, that while our House would have made a marine scientist out of Claudia, the failure of action in the Senate has made Claudia an illegal immigrant. Our Nation deserves more scientists and engineers, not more illegal immigrants.

I want to pose two questions. One is: What would we ask of them? What do we want these young people to do? That's what they ask me. What would you have us do?

And the second: What is best for us and our country?

Claudia posed it well. What do they want us to do? she said.

Instead of going to college and serving in the military, are we telling Claudia to clean buildings at night? Are we telling her to become a nanny or a construction worker? Are we telling her to go to a country where she doesn't know anyone, barely speaks the language, and hasn't even been to in her memory?

I want Claudia to be the best darn marine scientist in the United States and to make great scientific discoveries that benefit humanity and improve our knowledge of the ocean.

For those who oppose the DREAM Act, I ask them: What do you want Claudia to do?

These stateless young people will be a credit to any nation. Let's make it our Nation.

Madam Speaker, this debate is about Ray. Ray was brought here when she was 2 years old. Her parents told her that she was born in the United States so she wouldn't feel the stigma of being foreign born. So Ray grew up not knowing she was foreign born until she was a teenager. Ray wanted to be involved with fashion. Her tough, can-do attitude led her to start her own lace business. Now, unfortunately Ray is no longer with us. She passed away. But don't fret. This immigrant story ends happily. Ray Keller, my great grandmother, passed away at the age of 98 in 1989. Without friendly immigration laws that allowed people to naturalize, I wouldn't be standing here before you today as a Member of Congress.

So too, Madam Speaker, there are future generations of Americans including, I'm sure, future Members of this body who are relying on Congress to act to recognize their forebears as the excellent Americans they already are.

Madam Speaker, Ray Keller was a proud American. This speech tonight is not a eulogy for a lost opportunity to pass the DREAM Act and replace our broken immigration system; rather, this speech is a challenge, a challenge to the next Congress to give all of us an answer, an answer for what Claudia should do, an answer for what these young people, these children of our country should do with their lives, should do with their lives to pursue their own dreams and should do with their lives to contribute to the only country they know—the United States of America.

LAME DUCK CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's always a privilege and an honor to

address here on the floor of the House. And we're in the waning days, waning hours perhaps, of this 111th Congress as many are prepared to go home for Christmas, and by the count of the votes on the board tonight, some have gone home for Christmas.

And I listened to the remarks of the gentleman from Colorado who spoke ahead of me, and I'm not of the spirit to directly rebut each of the points that he's made. I want to stay within the Christmas spirit here tonight, Madam Speaker, and simply address that there is another viewpoint, and that other viewpoint was heard.

We have, over the last 4 years in this Congress, seen significant majorities for Democrats, and there were opportunities for Democrats to seek to pass their immigration legislation which they constantly refer to as comprehensive immigration reform. And that has become what the American people understand; comprehensive immigration reform is a euphemism for amnesty. And even though there were opportunities along the way over the last 4 years under the Pelosi speakership, there hasn't been a significant piece of their version of immigration reform that's passed. And, of course, neither has there been a significant piece of immigration enforcement that has passed, especially over the last 2 years with President Obama in the White House, having made those promises that he would be supporting and working towards the passage of some type of comprehensive immigration reform.

And as we saw the majority shift here in the House of Representatives dramatically, where we have 96 new freshmen coming in, 87 of them are Republicans. And I don't think there's anyone out there that looks at the results of the election and believes that this House of Representatives is going to be persuaded by emotional arguments. The incoming House of Representatives, with the 87 Republican freshmen that are coming in and swearing in here on January 5, I believe, will be a Congress that sets the rule of law in very high respect and is not as swayed by individual anecdotes and more concerned about the empirical data and what really happens to a country over the long term that doesn't enforce its laws. That's what I think we can expect to come.

I am the ranking member of the immigration subcommittee, and on that committee, over the last 2 years, with Chair LOFGREN chairing that subcommittee, there have only been eight hearings in 2 years on immigration. That's fine with me because the agenda that they would have driven would have been, I think, an agenda that I would have opposed.

But nonetheless, those eight hearings that have been held, only eight in 2 years, four hearings a year, that's all the activity that's really measurable in the immigration subcommittee.

And so I think when the gentleman from Colorado makes his case, I think it's heartfelt, and I think he is deeply convinced that it's the right policy and agenda for America. As we move close to Christmastime, knowledge that he has is a viewpoint, and I think he'd acknowledge that I have mine. I will stand up, Madam Speaker, for the rule of law.

And the implications of what goes along with the very well named but not very good policy DREAM Act, I think, became more and more aware to the American people. And as they spoke and weighed in and made their calls in the Senate, then this project, this vote that was held in the Senate failed. And when it did, that's the end of it for the 111th Congress. And it's pretty unlikely that it will be the beginning of it in the 112th Congress as the Congress is configured. And so, from my standpoint, I'm looking forward to the work that we must do and the work that we must do to address the immigration issue coming forward.

There is something that I think is a bipartisan interest to us though, Madam Speaker, and that is, I hear on both sides of the aisle, and I began to hear this about 6 years ago, the concern about how employers were victimizing employees who were unlawfully here in the United States, working unlawfully in the United States.

□ 2200

So I began to look at how can we address this in a bipartisan way. And even though it seems as though the Obama administration and Janet Napolitano included are unwilling to enforce immigration law against employees, they are willing to enforce it against employers. Note some of the enforcement action that has gone in and just gathered the information from the illegal employees, but not brought charges against them, nor started deportation, but brought just the charges against the employer instead.

So I looked at this situation a few years ago and put together a proposal, and this proposal takes into account the Democrat viewpoint, the Republican viewpoint. Both of us are opposed, I believe, in principle, to employers victimizing employees, of them flouting the law and capitalizing on the cheaper labor that they are able to hire and compete against their competitors who would be complying with the law. And also it recognizes that this Federal Government has found itself sometimes where the right hand doesn't know what the left hand is doing. And sometimes the agencies within the government are working at cross-purposes to each other.

One of those examples would be a Social Security Administration that deals with millions and millions of no-match Social Security numbers or Social Security reports that are duplicated multiple times, the same Social Security number used multiple times, maybe all across the country where we know it's impossible to be in two jobs at the same place at the same time.

The Social Security Administration seems to turn a blind eye towards the implications of the illegal employment and the fraudulent documents that are used for people to work unlawfully in the United States because often those claims on the Social Security trust fund aren't ever filed. People are walking away from it.

If they are working illegally in the United States, often those illegal workers will claim the maximum number of dependents so their withholding on their State and Federal income tax is zero. But they pay the payroll tax, the Social Security, the Medicare, and the Medicaid because they really have no choice with that. But then they aren't going to be in a position to tap into that as an illegal worker in America.

So the duplications that go on and the money that flows into the Social Security trust fund, a significant amount of that is rooted in illegal labor. Social Security trust fund, happy enough getting those extra revenues coming in, and the Department of Homeland Security seems to want to secure some of the areas that are their due, but not reach out and actually put together a network that would address this thing in a broader holistic way.

So I was looking at that thinking, which agency actually does an effective job of enforcing the laws that they have and which one is most respected by the American people? And as I cast my mind across these agencies, it came to the IRS. The IRS has the respect of every taxpayer in America. They don't want to be audited. They fear an audit. Was it 58 percent of the people would rather have a root canal than an IRS audit? Root canals may or may not be all that painful, but that's one of the measures that came out in one of the pollster's numbers, 58 percent would rather have a root canal than be audited by the IRS. I would be among them. I would rather have the tooth pulled myself.

But the IRS does an effective job of enforcing the law, and they do an effective job of going down through a person's books and accounting and coming up with flaws that are there. So I put together a proposal, and it's called the New IDEA Act. The New IDEA. New IDEA stands for the New, and the acronym IDEA is Illegal Deduction Elimination Act. What it does is it clarifies that wages and benefits are not tax-deductible for Federal income tax purposes if they are going to an illegal employee. And it gives the employer safe harbor if that employer uses E-Verify.

So if the employer in their hiring of employees runs the Social Security numbers, the identification information that's on the I–9 form into E-Verify, and it comes back and they only hire those employees that clear through E-Verify, then we give them safe harbor. But if they have employees that are on the list, the Social Security numbers will be on the tax form when the IRS comes in to do a normal audit. We don't accelerate the audits,

just a normal audit. The IRS would then punch the Social Security numbers of those employees that are on the tax form into E-Verify; and if it comes back they are all lawful to work in the United States, no problem. If it bounces back that some of them cannot be confirmed to work lawfully in the United States, we give the employer time to cure, the employee time to cure. And if the employer uses E-Verify, again they have safe harbor.

But the IRS then can conclude that the wages and benefits have been paid to illegals, and therefore those wages and benefits are not tax deductible. What that does then is it kicks that business discount, the schedule C business expense, over onto the profit column. When it does that, it makes that income, and the income then is taxable for interest and penalty.

And so the net result will be roughly this: if an employer is hiring illegals roughly at say $10 an hour, and I can do the math on this, Madam Speaker, and the IRS comes in and does the audit and concludes that an employee is illegal at $10 an hour, by time the tax that's applied to that as a business income as opposed to an expense, and the interest and the penalty is applied, the $10 an hour illegal employee becomes about a $16 an hour illegal employee, causing the employer to make the rational decision with their capital, and that is clean up their workforce before the IRS shows up.

There is a 6-year statute of limitations. It's cumulative. The clock would start to tick on that when the bill would become law. And then over a course of 6 years, there would be a cumulative 6-year statute of limitations. That means that employers the first year would see 1 year of exposure, second year 2, obviously, on up until 6 years. And the greater the exposure, the greater the risk and the liability and the greater the incentive to clean up their workforce as they move forward.

But it doesn't pull the plug on anyone. It's not a dramatic change. It is a business incentive plan that I think will move thousands of employers into the legal employment business.

And today it's New IDEA Act, it's H.R. 3580. And I believe it will become, in the upcoming Congress, the most useful and effective piece of immigration legislation that this Congress may consider. And it's likely to be referred to the Ways and Means Committee because there are tax components to it. And I look forward to working with people to get the cosponsorships on the bill and work it through the process and earn a hearing and perhaps earn a markup, and one day see it go over to the Senate, where I would be glad if they would take it up and onto the President's desk. It's something that should have bipartisan support again, Madam Speaker. H.R. 3580 the New IDEA Act, the IRS coming in.

By the way, the bill also requires the Internal Revenue Service and the Social Security Administration and the Department of Homeland Security to put together a cooperative team so that they are sharing information so that when the right hand doesn't know what the left hand is doing, we put them together and require that they cooperate with each other so that the right hand and the left hand and the middle hand of the IRS, Social Security Administration, and Department of Homeland Security all know what each other is doing, all are cooperating towards a common goal of cleaning up the illegal workforce in America through the New IDEA Act.

And I think that that has some promise and an opportunity to one day become law in this Congress. And I intend to work it pretty hard. That's something that I think can be proactive.

Now, I wanted to speak, though, as I came here tonight, Madam Speaker, I wanted to address the situation of a lame duck session. A lame duck session, this lame duck session has been full of all kinds of issues that I think didn't have any business being in the lame duck session. A lame duck session is, of course, for those listening in, it's the session of Congress that takes place after the election.

So the election took place November 2, and there was a dramatic shift in seats here in this Congress. And as in a shift in power, all the gavels are changing hands going over from Democrats to Republicans, including the Speaker's gavel. And this will happen on January 5 of this upcoming year, not very far from now. And as that happens and this dramatic shift is taking place, it's because the people in America have spoken. The people in America have spoken up, and they have said, we want to change course.

They watched President Obama digging this hole economically, socially, I think a radical social agenda, I think a radical economic agenda, foreign policy agenda that I don't quite have a theme figured out for. But the President's agenda, the agenda of Speaker PELOSI, the agenda of HARRY REID, the American people said, Stop, you have been digging a hole. Been digging a deep hole with roughly $3 trillion in spending that's over and above what would be normal spending here in this Congress. And the American people went to the polls November 2, and they took the shovel out of the hands of President Obama by means of shifting the majority here in the House of Representatives and changing the gavels from the hands of Democrats into the hands of Republicans.

When the people of America say stop, it's enough, the people that are serving in this Congress in this lame duck session, this session between November 2, the election, and January 5, which is the swearing-in of the new Congress, the people serving in this Congress need to understand when the American people said enough, that's too much, stop, this Congress needed to respect the will of the American people and stop.

□ 2210

Stop digging, stop moving the radical social agenda. In fact, stop moving the radical socialist agenda. HARRY REID should stop, Speaker PELOSI should stop, Barack Obama should stop, and this Congress should have only dealt with those issues that were necessary to keep this government functioning in its proper fashion between November 2nd and January 5th.

This Congress could have passed a simple continuing resolution like this House did today that would have bridged the gap through November, December, maybe even January and February, but have gotten a smooth transition over into the next Congress, a respect for the voice and the will of the American people, as Republicans essentially did in the year 2006, respected the will of the American people.

This has not been to be. One radical thing after another. Don't Ask, Don't Tell comes through here on the floor. That is a piece of policy that had all the last 2 years to be brought forward, if that was the will of the majority. But the majority was afraid of the wrath of the American voters.

They were afraid of the wrath of the American voters, so they didn't bring a budget. It is required by statute. Since 1974, the first time this Congress hasn't passed a budget, the House of Representatives since 1974. It didn't happen this year.

The process was shut down, Madam Speaker, so that first the thing that went away was the open rule that allowed any Member to offer an amendment on an appropriations bill that could cut spending down or plus spending up and make some reasonable changes within the germaneness rules of the policy of the appropriations rules. But that was shut down in the second year of the Pelosi speakership.

And then there were the appropriations bills themselves shut down, and they began to run this government on continuing resolutions, omnibus spending bills. The omnibus spending bill that was brought up in the United States Senate, $1.72 trillion, full of pork, chuck full of earmarks, 6,600 earmarks, pork that just dripped with fat in the United States Senate. And the American people finally rose up and they let the Senators know it is no longer going to be business as usual.

The American people have risen. They have packed this Capitol with tens of thousands of people, and they come with their American flags, their yellow Gadsden flags, the Don't Tread on Me flags, Constitutions in their pockets, patriotism on their heart, tears in their eyes at what they see is happening in this country. The American people have done everything that you could ask them to do in a constitutional fashion. The American people have peacefully petitioned the government for redress of grievances. It is constitutional.

And, Madam Speaker, this Congress' heart was hardened. They refused to listen to the American people. They rammed through out of this House the cap-and-tax bill, cap-and-trade some call it, a debilitating bill that punishes American industry and American investment and American entrepreneurs and rewards other countries, puts us at a disadvantage with emerging economies such as India and China. It passed the House and not the Senate, thankfully.

I am thankful for the filibuster that exists in the United States Senate. There is a complaint that it has been used too much and that something needs to be done to put an end to the filibuster or to alter it. Well, I would submit, Madam Speaker, that the reason the filibuster has been used this much is because of the radical agenda that has been driven through the Senate, promoted by the President, promoted by the Speaker of the House and driven and managed by HARRY REID, the majority leader in the United States Senate, who looks like he will stay as majority leader in the United States Senate.

Cap-and-tax out of this House floor. ObamaCare. We watched the President come in and nationalize the banks, the insurance companies, the car companies, Fannie and Freddie, the student loans. All of that swallowed up, 33 percent of the formerly private sector economy swallowed up by the Federal Government. And then ObamaCare, the nationalization of our skin and everything inside of it.

The American people came and surrounded this Capitol. Not one deep with arms stretched out as far as they could go, six and eight deep all the way around the Capitol. We don't have a picture of that because of air security, or there would have been news helicopters up above taking shots of the human ring, six and eight deep all the way around the Capitol that was formed to tell this Congress stop. Stop. You are spending too much. You are taking away our liberty. You are passing legislation that is unconstitutional, or at a minimum constitutionally suspect. All of that taking place before the election.

And then at the election, the American people poured forth and filled up the voting booth and put their mark down on their ballots, no, no, no, no, to the radical social leftist agenda that has been driven through this Congress, and that message should have been heard loud and clear before the stroke of midnight on the 2nd of November.

And the new day comes forward, the new day came forward and we see nothing but dig in, drive that agenda and drive that agenda. I, Madam Speaker, am here to speak up against it, and I am hopeful that in any succeeding lame duck session that we have, whether it would be Republicans in the majority or Democrats in the majority, that we respect the will of the American people and stand down and bridge the gap between the election in November and the new Congress in the early part of January with just the minimum amount of legislation necessary to make that transition.

If the majority holds the same and there is work that needs to be done and not very many seats have changed dramatically, then in that case it is a little bit different question. But when the majority changes and the majority changes dramatically, as it did this time in a way more dramatic than 1994 even and as dramatic as going back to 1948 and another previous election, then no.

There have only been three or four times in American history that this Congress turned around the way it turned around this time, and at no time to my knowledge has there been such an aggressive agenda driven in a lameduck session, including the idea of taking up a treaty in the United States Senate. I don't believe that has ever been done.

So, Madam Speaker, we have had the food safety bill today, the food safety bill that is a $1.3 billion bill or $1.4 billion bill that is another big reach in government that brings in about 17,000 new government employees and inspectors.

We have the safest food in the world, and we need an army of 17,000 additional inspectors so that we can satisfy the urge to expand the nanny-state? It is the only reason I can think of that we would have a policy like that. The safest food in the world and the largest army to inspect the food, and now out of the House goes the food safety bill, another irresponsible safety and growth in government and unnecessary solution in search of a problem, Madam Speaker.

Don't Ask, Don't Tell. Don't Ask, Don't Tell. The repeal of Don't Ask, Don't Tell, one of the few policies that Bill Clinton endorsed that I thought was a good policy that actually was working. Another solution in search of a problem. It is a political agenda. It is a social experiment in our military.

Our military needs to be able to fight. We need to listen to them. And when we hear the modified positions of our top military officers, one can only suspect that it is a possibility they are taking orders from the commander-in-chief. How about that. What would that mean, if a multiple-star general was taking orders from the commander-in-chief and decided that he would have a position on Don't Ask, Don't Tell that was less clear than it might have been 2 or 4 years ago?

The passage of ObamaCare, as I mentioned, is another piece that came along in this past year, although not in a lameduck session. I look forward, Madam Speaker, to the repeal of ObamaCare as it passed here in late March of this year, late into the night. I was the last one to leave the Capitol here at night, which isn't new, but it happened that night, I am confident.

As I walked home, I told myself, I am going to lay down and rest. I am exhausted. I spent weeks fighting this with everything that I have. And the rest didn't last very long. After about 2½ hours I was up thinking about what can we do?

It is extraordinarily unusual to have a piece of legislation, especially a high-profile, hard-fought piece of legislation like ObamaCare, extraordinarily unusual to ever see anyone introduce legislation to repeal the legislation that has just passed. But I got up and I drafted a bill draft request to do just that, to repeal ObamaCare. And, curiously, without coordination, the same thing was going on in the office of MICHELE BACHMANN, and our bill drafts came down within 3 minutes of each other.

□ 2220

Identically, the same 40 words that conclude with words pretty close to this: Repeal ObamaCare—a little more language—as if it had never been enacted. That's the quote, ''as if it had never been enacted.'' That's a pretty complete way of talking about repealing a piece of legislation.

There were those that thought that it was just an act of protest, an act of frustration. They maybe thought that neither one of us were enough of a statesman that we could accept losing on a vote like that and walk away and fight on another issue another day. But, truthfully, it was simultaneously coming to the same conclusion, the same conclusion that America cannot reach the next level of its destiny if ObamaCare is going to be a component of that destiny because it ties us down, because it anchors us, because it takes away and diminishes our options as individuals, because it mandates that we buy insurance. There are, I think, four constitutional violations in ObamaCare itself, and some of that is in the middle of being litigated right now.

The commerce clause is the clearest and easiest one, and I am happy to see the decision by Judge Hudson in upholding the suit that was brought by Ken Cuccinelli in Virginia, and others. And I look forward to the decisions that will unfold from the Florida suit. And it looks like about 25 States have joined in this litigation in one form or another. And I'm hopeful that when our new Governor in Iowa is sworn in, that one of the first acts in office he will have is that Governor Branstad will join in the litigation against ObamaCare in whatever capacity he is able to do that.

There are three ways to undo ObamaCare, Madam Speaker, and one of them is through the courts and every means of litigation at our disposal, and that path is following pretty well. But we learned—we knew this actually going in, but it was very clear—McCain-Feingold was one of those examples, a piece of legislation that perhaps was signed by the President in anticipation that the courts would overturn it. I don't know that. I just say

perhaps. But anybody that believed that the court was going to save us was disappointed in the short term and mildly pleased in the longer term. But one should never vote for and never sign a piece of legislation that they believe will be unconstitutional because that leaves it up to the courts to do the job that we need to be doing as a legislature.

However, I believe the litigation needs to go forward on ObamaCare and that if the courts finally find all components of it unconstitutional, we can at that point perhaps wash our hands of it and we should pass, then, a repeal to get it out of the books so it's not sitting there waiting to be litigated again.

But I'm looking at the courts for relief—short-term relief, injunctive relief—and I'm hopeful that all of ObamaCare will be ripped out by the court. I believe that it has enough unconstitutional components and no severability clause, so that would tell me there's a possibility that it all could be removed by its violations of our Constitution. That's one of the ways to address the repeal of ObamaCare.

Another way is for our States, our Governors, to refuse to implement ObamaCare and to refuse to invest those State tax dollars in the high cost of increasing Medicaid that it imposes on the State and essentially throw a wrench in the works and resist the administration's determination to implement ObamaCare, and do that from all of our Governors' offices across the country where we have people that oppose it. That's another component of this opposition that can be effective.

The third one, and the one that's the most essential and the one that, if it's completed, is the most certain is a statutory legislative repeal of ObamaCare. Since the tax bracket bill came through last week that extended the 2001 and 2003 tax brackets for 2 years that provided for a $5 million exemption for the estate tax and a 35 percent rate, fixed a few other things and caused a lot of other problems, but since that tax bill went through and there's an agreement that's made on it for 2 years, then I'll submit, Madam Speaker, that the most important piece of legislation that the new Congress can take up, and I'm hopeful that incoming Speaker BOEHNER will elect to make H.R. 1 the first piece of legislation here in the House of Representatives, H.R. 1, the standalone repeal of ObamaCare, a 100 percent repeal of ObamaCare; legislation that would stand on its own, that would be very clear, that would put up a vote in this House that would allow for a full repeal of ObamaCare in H.R. 1.

Just to put a marker down and declare the approach that I support, since I have taken this issue on in a personal way and filed a discharge petition where I have 173 signatures on that discharge petition, I thought it was important that I articulate the legislation that I would like to see come forward in the 112th Congress. And in my consultation with Congressman HERGER of California, I looked into the language that he put together after I had introduced the repeal language, and he did so after the reconciliation package that came from the Senate.

There were two pieces of legislation that came together to make up ObamaCare. One was the bill itself, and the other one was a reconciliation package that passed several weeks later. That reconciliation package needed to be included. So I added the component of the Herger legislation repeal to the repeal language that I've introduced and the same repeal language that I added that MICHELLE BACHMANN introduced. And she and I filed that bill last Friday, just to add some clarity and unity to the language we support for the repeal of ObamaCare, with the complete agreement of Congressman HERGER from California, who agrees with the language and encouraged me to file the bill.

So that's there as a marker, so anyone that wants to take a look at it and see what it is that we want to repeal, it's ObamaCare; it's the reconciliation package that came from the Senate. They did that in order to circumvent the filibuster. I thought that it was legislative sleight-of-hand myself. And that's what we got.

I'm committed to the full, 100 percent repeal of ObamaCare. I believe that our leadership is committed to the full, 100 percent repeal of ObamaCare. And yes, there will be a lot of different ways to look at this strategically. But to march down through this beyond the repeal piece of legislation, which I anticipate will be very early in the new Congress, my proposal is that we shut off spending in every appropriations bill; that we put language in every appropriations bill that no funds and no funds heretofore appropriated shall be used to implement or enforce ObamaCare. If we do that with all the appropriations bills going through the 2011 calendar year, the 2012 calendar year, by the time we arrive at the Presidential election in November of 2012, it will be pretty clear that ObamaCare has not been implemented, it has not been enforced, none of the dollars would be allowed to be used for that.

And I'm hopeful that we will elect a President who runs on the ticket and calls for the mandate from the American people that the first order of business for the next President of the United States who would be inaugurated on January 20, 2013, would be to have Congress put on his desk the repeal of ObamaCare and sign that as a first order of business as the next President of the United States. That's the goal. It can be done. It isn't a futile effort.

I've had some people say, Well, why do you think you can repeal ObamaCare? The President would veto it as soon as you pass the legislation. In the first place, if the House passes the repeal of ObamaCare, there's no agreement the Senate would take it up. But surely, they're not going to take it up unless we send it over there. So we need to pass the repeal, send it to the Senate, build the pressure so that they can perhaps find a way to take it up in the Senate. If they do so and the repeal of ObamaCare gets passed by both Chambers in the same form and it goes to the President, yes, I, like every other thinking American, would expect President Obama to veto such legislation, but we would have people on record. We would have an agenda that would be laid out. And that lays the foundation to unfund ObamaCare, and it lays the foundation then to take us to the point where we can elect a President who will sign the repeal. That's the strategy. It needs to be done.

If the American people are going to reach the next level of our destiny, we cannot have ObamaCare as an anchor that's tied around our leg that continuously sinks the entrepreneurs, sinks the small businesses, grows the taxes, creates lines, rations care, prohibits us from buying the insurance policies of our choice. The list goes on.

□ 2230

Mr. Speaker, I am well aware of the time of the season that we have here, and I am thinking about the families of all of those who are on their way home tonight and of those who will be on their way home tomorrow and perhaps the next day.

All the staff that works here in this Congress and the people who are here as this team is tonight, recording every word that comes from any Member of Congress and who are in the middle of this debate constantly, making sure that everything is precisely, accurately quoted and coordinated in this CONGRESSIONAL RECORD, are top-notch and the envy of the world. Of the team that is here, many of them I have worked with for years, and I don't know if they're Democrats or Republicans. I know that they respect the institution and the people who serve here. I appreciate them, and wish all of them a very Merry Christmas and a happy new year.

While I look around at my colleagues, both Democrats and Republicans, and know some of their families and our staff from our offices, who toil sometimes in oblivion, I think of all of that contribution that's there, and I am grateful for them all.

I also cast my mind's eye overseas to some of the places that I have gone to visit our troops and our personnel. It just so happens that, a little over a year ago, I missed a family event that was of high importance to us because of duty here, and even though there were quite a number of calls expressing sympathy for that, a month later, I found myself in Afghanistan. As I was seated in a late-night briefing, one of the generals—and I probably asked one too many questions, and got a little bit close to the personal side. He will know

who he is, but I won't utter his name into this RECORD, although I have great respect for him as a patriot, as a warrior and as a servant for America.

He said, though, in that night conversation in Afghanistan, I was deployed when they served divorce papers on me from my first wife, and I started a new family. I have a girl and a boy. My little boy is 5 years old, and I have been deployed for three of his first five Christmases.

I sat there and listened to that, and it had been about a month since I had missed a very, very important family event in my own family. I listened to that officer tell me of being deployed when he received divorce papers, of being deployed for three of his son's first five Christmases. I think he is deployed right now.

I think about the men and women who put on the uniform and who are deployed in harm's way around the world in Iraq, Afghanistan and in other places around the world.

I was watching as the USS Harry Truman docked here in the last day or so. The sailors who got off of that ship were seeing babies born, their children born—babies they had never seen since they were born. Little babies were put in their arms. They'd kiss their wives quickly and pick up and marvel at a little miracle that would be 2 or 3 or 6 months old who they had never seen. Their own child. They weren't home for the birth of the child. They missed weddings. They missed funerals. They got back when they could, but they were deployed; they were at sea. They were serving America.

That's true on the USS Harry Truman. That's true in places like Afghanistan and Iraq and other places around the world where we have our men and women in uniform—our soldiers, sailors, airmen, and marines—in harm's way every day, at risk of death, at risk of sacrifice, some losing their lives. While all of this is going on, sometimes we get wrapped up here, and we think ours is a sacrifice.

Well, Mr. Speaker, I would submit that ours is a duty and a service and a privilege and an honor, and sometimes it is a sacrifice; but when we think about our sacrifice here, I ask all to think about the sacrifice over there, which is far greater—far more family time lost and missed, moments that will never be recaptured again, limbs lost, and lives lost . . . never to come back again.

So, with all of that in mind and with the Christmas season upon us, I would like to close with a poem that was written by the greatest respecter of our warriors in this Capitol building—Albert Caswell—who can be seen around this Capitol, giving tours to the wounded on a daily basis with eagerness and enthusiasm and a profound respect for those who have served us so well and especially for those who have been wounded and for those who have been lost. Sometimes he sits up in the middle of the night and will write a poem. I think he gets started, and he can't stop until he finishes it and brings it to a conclusion. This is a poem that he wrote just a few days ago. It's called ''This Christmas.''

''This Christmas . . .

''As the snow falls to the ground . . .

''And all the children dance, with songs of joy so
all around . . .

''With stockings hung by the chimneys with care . . .

''With hopes and dreams, of Santa there . . .

''With Christmas dinners and fires all aglow, as
before this family a feast lies so . . .

'''O Holy Night! A Child was born, for all to know!'

''Joy to the world, let Heaven and nature sing, but
remember . . . remember . . . remember all of them, and
all of those . . .

''Those families! Those patriots of peace!

''The ones, who'll this Christmas . . . will not so
together be!!

''Who upon battlefields of honor fight!

''So far away from our country tis of thee, this
night . . .

''Men and women of such honor bright, who for all of
us so carry that fight . . .

''Why there can be peace on Earth, because of their
light!

''Who now so live with such heartache and death . . .

''Who upon each new day, their honor our lives so
bless!

''As they so bless us one and all, with all of their
gifts of most selfless sacrifice . . .

''And all of those lost loved ones, who lie in soft,
quiet, cold graves . . .

''Teaching us all the true cost, the price of freedom paid!

''Precious daughters and sons, husbands and wives . . .

''Fathers and mothers, sisters and brothers who gave
their lives . . .

''That last full measure . . . as for them we cry!

''Whose loved ones' pain, will never die . . .

''Who on this Christmas morning, sit with but tears
in eyes . . .

''As they listen to their children cry, 'Mommy,
Daddy . . . I wish you were by my side.'

''With one less place at the dinner table this
year . . . they all so begin to cry . . .

''And all of those who have come home, without arms
and legs, who did not die!

''Without eyes and faces, with burned in all
places . . . in hospital beds they try!!

''Blessing us all with their fine gifts they gave!

''Making us all so see, just how magnificent and
inspiriting a heart can be!

''And remember all of those, whose loved ones lie far
across the shores . . .

''As with each new day, brings such great worry . . . so
for sure!

''But, waiting . . . but waiting for, that knock on the
door . . .

''That phone call, that they now so pray not for . . .

''Quiet heroes, one and all!

''Watching them from Heaven, the angel's teardrops
fall . . .

''Lord God, Lord God . . . bless them . . . bless them all!

''For these are the families, who have paid the cost!

''Bore the burden, carry that cross, that cross of
war!

''This Christmas, as you hold your families tight . . .

''And all seems so fine, and all seems so very
right . . .

''And you see all of those smiles upon your
children's faces, so bright . . .

''Give thanks! Give praise! As upon your knees as
you begin to pray . . .

''For all of those families, who have so
sacrificed . . .

''And remember their blessings, their gifts of
freedom . . . this night!

''This Christmas . . . ''

Mr. Speaker, I wish all of us a Merry Christmas and a happy new year. May we reconvene in the 112th Congress with a new spirit—a spirit that keeps in mind the price and the sacrifice paid by our veterans and our families that support them, the legacy that they have left for us, the duty that we have to honor their sacrifice. May we come back and join together in that task in January of 2011.

May we go home and give great thanks for their sacrifice and the blessing of Our Lord and Savior, Jesus Christ.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today and the balance of the week on account of knee surgery.

Mr. DOYLE (at the request of Mr. HOYER) for today.

Mrs. MCMORRIS RODGERS (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of her daughter.

Mr. PASTOR of Arizona (at the request of Mr. HOYER) for today.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. JACKSON of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 81. An act to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

H.R. 628. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

H.R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''.

H.R. 1746. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the pre-disaster mitigation program of the Federal Emergency Management Agency.

H.R. 2965. An act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

H.R. 3082. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 4748. An act to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to require a northern border counternarcotics strategy, and for other purposes.

H.R. 4973. An act to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

H.R. 6412. An act to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

H.R. 6473. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

H.R. 6510. An act to direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes.

H.R. 6533. An act to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes.

H.J. Res. 105. Joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 118. An act to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 1481. An act to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 3874. An act to amend the Safe Drinking Water Act to reduce lead in drinking water.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on December 17, 2010, she presented to the President of the United States, for his approval, the following bills.

H.J. Res. 105. Making further continuing appropriations for fiscal year 2011, and for other purposes.

H.R. 2941. To reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

H.R. 6198. To amend title 11 of the United States Code to make technical corrections; and for related purposes.

H.R. 6516. To make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

H.R. 4337. To amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

H.R. 1061. To transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 6278. To amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 5591. To designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower.''

H.R. 4853. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 22, 2010, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

11023. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Permission To Use Air Inflation of Meat Carcasses and Parts [Docket No.: FSIS-2007-0039] (RIN: 0583-AD33) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11024. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No.: FSIS-2010-0031] (RIN: 0583-AD) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11025. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Crop Grouping Program II; Revisions to General Tolerance Regulations [EPA-HQ-OPP-2006-0766; FRL-8853-8] (RIN: 2070-AJ28) received December 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11026. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metrafenone; Pesticide Tolerances [EPA-HQ-OPP-2008-0732; FRL-8854-6A] received December 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11027. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2010-0981; FRL-8857-5] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11028. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flutolanil; Pesticide Tolerances [EPA-HQ-OPP-2009-0775; FRL-8855-7] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11029. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Air Force Case Number 08-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

11030. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Air Force Case Number 08-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

11031. A letter from the Director, Office of Science and Technology, Executive Office of the President, transmitting a letter to report violations of the Antideficiency Act; to the Committee on Appropriations.

11032. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's second quarter report for calendar year 2010 as required by the Joint Improvised Explosive Device Defeat Fund; to the Committee on Armed Services.

11033. A letter from the Under Secretary, Department of Defense, transmitting the final letter regarding the effect of extended

and frequent mobilization of Reservists for active duty service on reservists income; to the Committee on Armed Services.

11034. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Homeowners Assistance Program — Application Processing [DOD-2009-OS-0090] (RIN: 0790-AI58) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11035. A letter from the Chairman, Congressional Oversight Panel, transmitting the Panel's monthly report pursuant to Section 125(b)(1) of the Emergency Economic Stabilization Act of 2008, Pub. L. 110-343; to the Committee on Financial Services.

11036. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Confidentiality of Suspicious Activity Reports [Docket ID: OCC-2010-0019] (RIN: 1557-AD17] received December 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11037. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Standards Governing the Release of a Suspicious Activity Report [Docket ID: OCC-2010-0018] (RIN: 1557-AD16) received December 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11038. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Turkey pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

11039. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

11040. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Use of Community Development Loans by Community Financial Institutions to Secure Advances; Secured Lending by Federal Home Loan Banks to Members and their Affiliates; Transfer of Advances and New Business Activity Regulations (RIN: 2590-AA24) received December 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11041. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Administrative Wage Garnishment received December 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11042. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Supplemental Priorities for Discretionary Grant Programs [Docket ID: ED-OS-2010-0011] (RIN: 1894-AA00) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

11043. A letter from the Deputy Director for Operations, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

11044. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedures for Refrigerators, Refrigerator-Freezers, and Freezers [Docket No.: EERE-2009-BT-TP-0003] (RIN: 1904-AB92) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11045. A letter from the Department Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; General and Plastic Surgery Devices; Classifications of Non-Powered Suction Apparatus Device Intended for Negative Pressure Wound Therapy [Docket No.: FDA-2010-N-0513] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11046. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Greensboro-Winston-Salem-High Point; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction [EPA-R04-OAR-2009-0561-201053(c); FRL-9235-4] received December 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11047. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Hickory-Morganton-Lenoir; Determination of Attaining Data for the 1997 Fine Particulate Matter Standard; Correction [EPA-R04-OAR-2009-0751-201054(c); FRL-9235-5] received December 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11048. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Action to Ensure Authority to Issue Permits under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call [EPA-HQ-OAR-2010-0107; FRL-9236-3] (RIN: 2060-AQ08) received December 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11049. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methods for Measurement of Filterable PM10 and PM2.5 and Measurement of Condensable PM Emissions from Stationary Sources [EPA-HQ-OAR-2008-0348; FRL-9236-2] (RIN: 2060-AO58) received December 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11050. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oregon; Correction of Federal Authorization of the State's Hazardous Waste Management Program [EPA-R10-RCRA-2010-0947; FRL-9236-8] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11051. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Limiting Emissions of Volatile Organic Compounds from Portable Fuel Containers [EPA-R03-OAR-2010-0435; FRL-9237-9] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11052. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment and Reclassification of the Dallas/Fort Worth 1997 8-hour Ozone Nonattainment Area; Texas [EPA-R06-OAR-2010-0412; FRL-9240-8] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11053. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Technical Corrections to the Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities [EPA-HQ-RCRA-2003-0012; FRL-9240-5] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11054. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi; Prevention of Significant Deterioration Rules: Nitrogen Oxides as a Precursor to Ozone [EPA-R04-OAR-2009-0041-201058; FRL-9241-1] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11055. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program [EPA EPA-HQ-OAR-2005-0161; FRL-9241-4] (RIN: 2060-AQ31) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11056. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances [EPA-HQ-RCRA-2009-0310,FRL-9239-8] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11057. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Jersey; 8-hour Ozone Control Measures [EPA-R02-OAR-2010-0310, FRL-9214-4] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11058. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans For Designated Facilities and Pollutants, Commonwealth of Virginia; Control of Emissions from Existing Hospital/Medical/Infections Waste Incinerator (HMIWI) Units, Negative Declaration and Withdrawal of EPA Plan Approval [EPA-R03-OAR-2010-0859; FRL-9240-2] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11059. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to Lead Ambient Air Monitoring Requirements [EPA-HQ-OAR-2006-0735; FRL-9241-8] (RIN: 2060-AP77) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11060. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Environmental Protection

Agency Implementation of OMB Guidance on Drug-Free Workplace Requirements [Docket No.: EPA-HQ-OARM-2010-0922] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11061. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota [EPA-R05-OAR-2010-0449; FRL-9239-2] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11062. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin, The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard [EPA-R05-OAR-2010-0850; FRL-9238-9] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11063. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County [EPA-R09-OAR-2010-0521; FRL-9233-3] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11064. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [EPA-HQ-OAR-2008-0334; FRL-9238-5] received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11065. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Peach Springs, Arizona) [MB Docket No.: 09-204] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11066. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fairbanks, Alaska) [MB Docket No. 10-81] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11067. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA), Amendments to Section 340 of the Communications Act, Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004 (SHVERA), Implementation of Section 340 of the Communications Act [MB Docket No.: 10-148, MB Docket No. 05-49] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11068. A letter from the Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — System Personnel Training Reliability Standards [Docket No.: RM09-25-000; Order No. 742] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11069. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 5.80: Pressure-Sensitive and Tamper-Indicating Device Seals for Material Control and Accounting of Special Nuclear Material received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11070. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Regulatory Guide 3.12: General Design Guide for Ventilation Systems of Plutonium Processing and Fuel Fabrication Plants received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11071. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Consideration of Environmental Impacts of Temporary Storage of Spent Fuel After Cessation of Reactor Operation [NRC-2008-0404] (RIN: 3150-AI47) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11072. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Notice of Availability of the Models for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-514, Revision 3, ''Revise BWR Operability Requirements and Actions for RCS Leakage Instrumentation'' [NRC-2010-0150] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11073. A letter from the Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

11074. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority to Reflect Continuation of Emergency Declared in Executive Order 12938 [Docket No.: 101118556-0556-02] (RIN: 0694-AF05) received December 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

11075. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of Additional Changes from the 2009 Annual Review of the Entity List [Docket No.: 101102553-0553-01] (RIN: 0694-AF01) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

11076. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

11077. A letter from the Secretary, Department of Agriculture, transmitting the Inspector General's semiannual report to Congress for the reporting period ending September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

11078. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report from the Department of Health and Human Services Office of Inspector General for the period ending September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

11079. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

11080. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''Comparative Analysis of Actual Cash Collections to the Revised Revenue Estimate Through the 3rd Quarter of Fiscal Year 2010'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

11081. A letter from the Secretary, Department of Agriculture, transmitting the Department's Performance and Accountability report for fiscal year 2010; to the Committee on Oversight and Government Reform.

11082. A letter from the Secretary, Department of Education, transmitting the forty-third Semiannual Report to Congress on Audit Follow-Up, covering the six month period ending September 30, 2010 in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

11083. A letter from the Chief Information Officer, Department of Homeland Security, transmitting the Department's 2010 FISMA Report and Privacy Management Report; to the Committee on Oversight and Government Reform.

11084. A letter from the Assistant Secretary for Congressional Legislative Affairs, Department of Veterans Affairs, transmitting the Department's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

11085. A letter from the Secretary, Department of Veterans Affairs, transmitting that the Department's Performance and Accountability Report for Fiscal Year 2010 is available online; to the Committee on Oversight and Government Reform.

11086. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11087. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Inspector General's semiannual report to Congress for the period ending September 30, 2010; to the Committee on Oversight and Government Reform.

11088. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2010 through September 30, 2010; and the semiannual Management Report on the Status of Audits for the same period; to the Committee on Oversight and Government Reform.

11089. A letter from the Chief Financial Officer, Farm Credit Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11090. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's semiannual report from the office of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

11091. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule —

Employee Contribution Elections and Contribution Allocations; Uniformed Services Accounts; Methods of Withdrawing Funds from the Thrift Savings Plan; Death Benefits; Thrift Savings Plan [Billing Code: 6760-01-P] received December 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11092. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Small Disadvantaged Business Self-Certification [FAC 2005-47; FAR Case 2009-019; Item IV; Docket 2010-0108, Sequence 1] (RIN: 9000-AL77] received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11093. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Preventing Abuse of Interagency Contracts [FAC 2005-47; FAR Case 2008-032; Item III; Docket 2010-0107, Sequence 1] (RIN: 9000-AL69) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11094. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; HUBZone Program Revisions [FAC 2005-47; FAR Case 2006-005; Item II; Docket 2009-0014, Sequence 2] (RIN: 9000-AL18) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11095. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Notification of Employee Rights under the National Labor Relations Act [FAC 2005-47; FAR Case 2010-006; Item I; Docket 2010-0106, Sequence 1] (RIN: 9000-AL76) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11096. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-47; Introduction [Docket FAR 2010-0076; Sequence 9] received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11097. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Uniform Suspension and Debarment Requirement [FAC 2005-47; FAR Case 2009-036; Item V; Docket 2010-0109, Sequence 1] (RIN: 9000-AL75) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11098. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Limitation on Pass-Through Charges [FAC 2005-47; FAR Case 2008-031; Item VI; Docket 2009-0034, Sequence 2] (RIN: 9000-AL27) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11099. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-47; Item VII; Docket 2010-0110, Sequence 1] received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11100. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-47; Small Entity Compliance Guide [Docket FAR: 2010-0077, Sequence 9] received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11101. A letter from the Chairman, National Endowment for the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11102. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Absence and Leave; Sick Leave (RIN: 3206-AL91) received December 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11103. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Chicago, IL; Fort Wayne-Marion, IN; Indianapolis, IN; Cleveland, OH; and Pittsburgh, PA, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AM21) received December 16, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11104. A letter from the President and Cheif Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual financial audit for FY 2009; to the Committee on Oversight and Government Reform.

11105. A letter from the Director, Securities and Exchange Commission, transmitting the Commission's fiscal year 2010 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

11106. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

11107. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the 2009 annual report on reasonably identifiable expenditures for the conservation of endangered or threatened species by Federal and State agencies, pursuant to 16 U.S.C. 1544; to the Committee on Natural Resources.

11108. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf-Acquire a Lease Noncompetitively [Docket ID: BOEM-2010-0045] (RIN: 1010-AD71) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11109. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — North Dakota Regulatory Program [SATS No. ND-051-FOR; Docket ID No. OSM-2009-0013] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11110. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [SATS No. TX-059-FOR; Docket No. OSM-2010-0001] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11111. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [SATS No. MT-029-FOR; Docket ID No. OSM-2008-0022] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11112. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XA034) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11113. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XA038) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11114. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Threatened Status for the Southern Distinct Population Segment of the Spotted Seal [Docket No.: 0909171277-0491-02] (RIN: 0648-XR74) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11115. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XZ67) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11116. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Inseason Action To Close the Commercial Blacknose Shark and Non-Blacknose Small Coastal Shark Fisheries (RIN: 0648-XZ95) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11117. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Community Development Program Process [Docket No.: 0907211157-0522-04] (RIN: 0648-AX76) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11118. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Greater Than or Equal to 60 Feet (18.3 Meters) Length Overall Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XA048) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11119. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program; Correction [Docket No.: 100212086-0354-04] (RIN: 0648-AY68) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11120. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XA031) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11121. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ88) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11122. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Temporary Removal of 2,000-lb (907.2 kg) Herring Trip Limit in Atlantic Herring Management Area 1A [Docket No.: 0907301205-0289-02] (RIN: 0648-XA039) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11123. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Observer Program [Docket No.: 080228322-91377-02] (RIN: 0648-AW24) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11124. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-01] (RIN: 0648-XZ85) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11125. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2011 [Docket No.: 900124-0127] (RIN: 0648-XZ16) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11126. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 0910131362-0087-02] (RIN: 0648-XA051) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11127. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Implementation of Regional Fishery Management Organizations' Measures Pertaining to Vessels That Engaged in Illegal, Unreported, or Unregulated Fishing Activities [Docket No.: 080228336-0435-02] (RIN: 0648-AW09) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11128. A letter from the Director of Legislative Affairs, Natural Resource Conservation Service, transmitting the Service's final rule — Grassland Reserve Program (RIN: 0578-AA53) received December 14, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11129. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Alaska Advisory Committee; to the Committee on the Judiciary.

11130. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Idaho Advisory Committee; to the Committee on the Judiciary.

11131. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the North Carolina Advisory Committee; to the Committee on the Judiciary.

11132. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Wisconsin Advisory Committee; to the Committee on the Judiciary.

11133. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Vermont Advisory Committee; to the Committee on the Judiciary.

11134. A letter from the Senior Counsel, Department of Justice, transmitting the Department's final rule — Office of the Attorney General; Certification Process for State Capital Counsel Systems; Removal of Final Rule [Docket No.: OJP 1464; AG Order No.] (RIN: 1121-AA76) received December 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11135. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Great Mississippi Balloon Race and Fireworks Safety Zone; Lower Mississippi River, Mile Marker 365.5 to Mile Marker 363, Natchez, MS [Docket No.: USCG-2010-0873] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Sabine Bank Channel, Sabine Pass Channel and Sabine-Neches Waterway, TX [Docket No.: USCG-2009-0316] (RIN: 1625-AA87) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11137. A letter from the Acting Chief, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments, Sector Puget Sound, WA; Correction [Docket No.: USCG-2010-0351] (RIN: 1625-ZA25) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11138. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ledge Removal Project, Bass Harbor, Maine [Docket No.: USCG-2010-0806] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11139. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Vessel Traffic Service Lower Mississippi River [Docket No.: USCG-1998-4399] received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11140. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Epic Roasthouse Private Party Firework Display, San Francisco, CA [Docket No.: USCG-2010-0901] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11141. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Natchez Fireworks Safety Zone; Lower Mississippi River, Mile Marker 365.5 to Mile Marker 363, Natchez, MS [Docket No.: USCG-2010-0872] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11142. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Wrightsville Channel, Wrightsville Beach, NC [Docket No.: USCG-2010-0813] (RIN: 1625-AA08) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11143. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Arkansas Waterway, Pine Bluff, AR [Docket No.: USCG-2010-0441] (RIN: 1625-AA09) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11144. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Temporary Change of Date for Recurring Fireworks Display within the Fifth Coast Guard District; Wrightsville Beach, NC [Docket No.: USCG-2010-0927] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11145. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone, in the vicinity of the Michoud Slip Position 30 degrees 0′34.2″ N, 89 degrees 55′40.7″ W to Position 30 degrees 0′29.5″ N, 89 degrees 55′52.6″ W [Docket No.: USCG-2010-0846] (RIN: 1625-AA87) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11146. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Green Bridge Demolition, Lower Mississippi River Mile 531.3, AR, MS [USCG-2010-0693] (RIN: 1625-AA11) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11147. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone: Monte Foundation Firework Display, Monterey, CA [Docket No.: USCG-2010-0620] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11148. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2010-0759] (RIN: 1625-ZA27) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11149. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; CLS Fall Championship Hydroplane Race, Lake Sammamish, WA [Docket No.: USCG-2010-0842] (RIN: 1625-AA00) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11150. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the administration of the Surface Transportation Project Delivery Pilot Program, pursuant to Public Law 109-59, section 6005(h); to the Committee on Transportation and Infrastructure.

11151. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model SA-365N, SA-365N1, AS-365N2, and AS 365 N3 Helicopters [Docket No.: FAA-2010-1082; Directorate Identifier 2009-SW-041-AD; Amendment 39-16491; AD 2010-23-02] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11152. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Austro Engine GmbH Model E4 Diesel Piston Engines [Docket No.: FAA-2010-1055; Directorate Identifier 2010-NE-35-AD; Amendment 39-16498; AD 2010-23-09] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11153. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CT7-9C and -9C3 Turboprop Engines [Docket No.: FAA-2010-0732; Directorate Identifier 2010-NE-04-AD; Amendment 39-16509; AD 2010-23-20] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11154. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Viking Air Limited (Type Certificate Previously Held by Bombardier, Inc.) Model DHC-7 Airplanes [Docket No.: FAA-2010-0699; Directorate Identifier 2009-NM-236-AD; Amendment 39-16510; AD 2010-23-21] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No.: FAA-2010-1126; Directorate Identifier 2010-SW-078-AD; Amendment 39-16515; AD 2010-18-52] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-70A and S-70C Helicopters [Docket No.: FAA-2010-0490; Directorate Identifier 2010-SW-037-AD; Amendment 39-16514; AD 2010-23-24] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (Eurocopter) Model AS332L2 Helicopters [Docket No.: FAA-2010-1125; Directorate Identifier 2008-SW-40-AD; Amendment 39-16512; AD 2010-23-22] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 206L, 206L-1, and 206L-3 Helicopters [Docket No.: FAA-2010-1242; Directorate Identifier 96-SW-13-AD; Amendment 39-16511; AD 96-18-05 R1] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes [Docket No.: FAA-2010-0376; Directorate Identifier 2009-NM-267-AD; Amendment 39-16504; AD 2010-23-15] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440), CL-600-2C10 (Regional Jet Series 700, 701 & 702), CL-600-2D15 (Regional Jet Series 705), and CL-600-2D24 (Regional Jet Series 900) Airplanes [Docket No.: FAA-2010-0223; Directorate Identifier 2009-NM-105-AD; Amendment 39-16503; AD 2010-23-14] (RIN: 2120-AA64) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11161. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Accommodation and Food Services Industries (RIN: 3245-AF71) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11162. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Immediate Disaster Assistance Program [SBA-2010-0010] (RIN: 3245-AG00) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11163. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Other Services (RIN: 3245-AF70) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11164. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards: Retail Trade (RIN: 3245-AF69) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11165. A letter from the Director, Regulations Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Payment for Inpatient and Outpatient Health Care Professional Services at Non-Departmental Facilities and Other Medical Charges Associated with Non-VA Outpatient Care (RIN: 2900-AN37) received December 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11166. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-93] received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11167. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application for Approval of Extension of Amortization Period (Rev. Proc. 2010-52) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11168. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010 Base Period T-Bill Rate (Rev. Rul. 2010-28)received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11169. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Source of Income from Qualified Fails Charges [TD: 9508] (RIN: 1545-BJ85) received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11170. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Issue — Industry Director Directive #2 on the Proper Treatment of Upfront Fees, Milestone Payments, Royalities and Deferred Income upon entering into a Collaboration Agreement in the Biotech and Pharmaceutical Industries [LB&I Control No.: 4-1110-031] received December 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11171. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rules for Group Trusts (Rev. Rul. 2011-1) received December 20, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11172. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates [4830-01-p] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11173. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2011 Standard Mileage Rates [Notice 2010-88] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11174. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Standard Mileage Rate Procedures (Rev. Proc. 2010-51) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11175. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Requirement of a Statement Disclosing Uncertain Tax Positions [TD 9510] (RIN: 1545-BJ54) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11176. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Farmer and Fisherman Income Averaging [TD 9509] (RIN: 1545-BE23) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11177. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2011 Section 1274A CPI Adjustments (Rev. Rul. 2010-30) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11178. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Jerome R. Vainisi and Deloris L. Vainisi v. Commissioner, 599 F.3d 567 (7th Cir. 2010, rev'g 132 T.C. No. 1 (2009) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11179. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Definition of Omission from Gross Income [TD 9511] (RIN: 1545-BI44) received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11180. A letter from the Chief, Publication and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2010 Cumulative List of Changes in Plan Qualification Requirements [Notice 2010-90] received December 17, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11181. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — January 2011 (Rev. Rul. 2011-2) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11182. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Funding Relief for Single-Employer Pension Plans under PRA 2010 [Notice 2011-3] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11183. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a letter of notification from the Government of Spain requesting that the United States Government contribute to a cleanup of plutonium contamination in Spain; jointly to the Committees on Foreign Affairs and the Judiciary.

11184. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting the Department's report to Congress '2010 Analysis of Compact Impacts'; jointly to the Committees on Natural Resources and Foreign Affairs.

11185. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Regulations Regarding Income-Related Monthly Adjustment Amounts to Medicare Beneficiaries' Prescription Drug Coverage Premiums [Docket No.: SSA-2010-0029] (RIN: 0960-AH22) received December 13, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6116. A bill to reform the financing of House elections, and for other purposes (Rept. 111–691, Pt. 1). Ordered to be printed.

Mr. MCGOVERN: Committee on Rules. House Resolution 1781. Resolution providing for consideration of the Senate amendment to the bill (H.R. 5116) to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes; providing for consideration of the senate amendments to the bill (H.R. 2751) to accelerate motor fuel savings nationwide and provide incentives to registered owners of high polluting automobiles to replace such automobiles with new fuel efficient and less polluting automobiles; and providing for consideration of the Senate amendment to the bill (H.R. 2142) to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvements officers and the Performance Improvement Council (Rept. 111–692). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 2811. A bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal: with an amendment (Rept. 111–693). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1782. Resolution providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–694). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

H.R. 1064. Referral to the Committees on Education and Labor, Energy and Commerce, and Financial Services extended for a period ending not later than December 22, 2010.

H.R. 1174. Referral to the Committee on Homeland Security extended for a period ending not later than December 22, 2010.

H.R. 1425. Referral to the Committee on Appropriations extended for a period ending not later than December 22, 2010.

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than December 22, 2010.

H.R. 4678. Referral to the Committees on Ways and Means and Agriculture extended for a period ending not later than December 22, 2010.

H.R. 5105. Referral to the Committee on Agriculture extended for a period ending not later than December 22, 2010.

H.R. 5498. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 22, 2010.

H.R. 6116. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 22, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Georgia:

H.R. 6560. A bill to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 6561. A bill to establish the History is Learned from the Living grant program to enable communities to learn about historical events in the United States in the past century through the oral histories of community members who participated in those events, and for other purposes; to the Committee on Natural Resources.

By Ms. CORRINE BROWN of Florida:

H.R. 6562. A bill to revitalize home ownership by establishing a shared equity appreciation homeownership pilot program; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 6563. A bill to establish a national leadership initiative to promote and coordinate knowledge utilization in education to increase student achievement consistent with the objectives of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. INSLEE (for himself and Mr. CASTLE):

H.R. 6564. A bill to promote the oil independence of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Transportation and Infrastructure, the Budget, Science and Technology, Oversight and Government Reform, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas (for herself, Mr. CONYERS, Mr. PAYNE, Mr. MCGOVERN, and Mr. CLEAVER):

H.R. 6565. A bill to improve efforts of the United States Government to ensure that developing countries have affordable and equitable access to safe water and sanitation, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KING of New York (for himself and Mrs. LOWEY):

H.R. 6566. A bill to protect children from registered sex offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 6567. A bill to amend title 38, United States Code, to improve and make permanent the Department of Veterans Affairs loan guarantee for the purchase of residential cooperative housing units, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARKEY of Massachusetts (for himself and Ms. CASTOR of Florida):

H.R. 6568. A bill to amend the Oil Pollution Act of 1990 to facilitate the ability of persons affected by oil spills to seek judicial redress; to the Committee on Transportation and Infrastructure.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 6569. A bill to amend title II of the Social Security Act to provide for treatment of permanent partnerships between individuals of the same gender as marriage for purposes of determining entitlement to benefits under such title; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 221: Mr. MANZULLO, Mr. HUNTER, Mr. LAMBORN, Mr. BUCHANAN, Mr. PITTS, and Mrs. BACHMANN.
H.R. 503: Mr. CALVERT.
H.R. 891: Ms. RICHARDSON.
H.R. 1237: Mrs. NAPOLITANO.
H.R. 1549: Mr. LIPINSKI.
H.R. 1844: Mr. PRICE of North Carolina.
H.R. 1966: Ms. NORTON.
H.R. 2030: Mr. DEFAZIO and Mr. SHERMAN.
H.R. 3586: Ms. MOORE of Wisconsin.
H.R. 4278: Mr. FATTAH.
H.R. 4808: Mr. PRICE of North Carolina.
H.R. 5117: Mrs. DAVIS of California.
H.R. 5434: Mr. JOHNSON of Georgia and Mr. BRALEY of Iowa.
H.R. 5510: Mr. LEWIS of Georgia and Mr. JOHNSON of Georgia.
H.R. 6073: Mr. PAYNE and Mr. TIM MURPHY of Pennsylvania.
H.R. 6123: Mrs. MALONEY.
H.R. 6240: Mr. CAMPBELL.
H.R. 6334: Ms. WOOLSEY, Mr. KUCINICH, and Mr. RUSH.
H.R. 6355: Mr. PRICE of North Carolina.
H.R. 6511: Mr. PAUL.
H.R. 6547: Mr. HOLT.
H.R. 6548: Mr. HASTINGS of Florida.
H.R. 6556: Mr. CONYERS, Mr. LOEBSACK, and Mr. HASTINGS of Florida.
H.J. Res. 96: Mr. LUETKEMEYER.
H.J. Res. 102: Mr. BROUN of Georgia.
H. Res. 762: Mr. CONNOLLY of Virginia, Mr. DELAHUNT, and Mr. POLIS.
H. Res. 1722: Mrs. MALONEY.
H. Res. 1768: Ms. DELAURO.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 1762: Mr. WOLF.

PETITIONS, ETC.

Under clause 3 of rule XII,

180. The SPEAKER presented a petition of Mr. Gregory D. Watson, a Citizen of Austin, Texas, relative to a petition urging Congress to enact statutory legislation which would clarify the procedures for proposing an amendment to the United States Constitution; which was referred to the Committee on the Judiciary.